

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA-NUMBER: CO-100-2007-077 EA

CASEFILE/PROJECT NUMBER/LEASE NUMBER: COC71208

PROJECT NAME: J-W Operating Access Road to Fee Well

LEGAL DESCRIPTION: T10N, R93W, Sec. 19, W½SE¼, 6th PM, Moffat County, CO

APPLICANT: J-W Operating Company

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

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

Date(s) Approved: April 26, 1989

Remarks: The proposed access road right-of-way would be located within Management Unit 2, Northern Central (Little Snake Resource Management Plan). The objectives of Management Unit 2 are to provide for the development of the oil and gas resource. Realty actions, such as rights-of-way, leases and permits can occur, consistent with the management objectives for this unit.

Results: The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action is in conformance with the objectives for this management unit.

NEED FOR PROPOSED ACTION: The purpose of the proposed action is to allow J-W Operating Company to construct an access road to a fee well, the Counts 22-30.

PUBLIC SCOPING PROCESS: The NEPA log is posted on the Little Snake Field Office web site and published in the Craig Daily Press before the grant is issued to the applicant.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES: The proposed action is to issue a right-of-way grant, pursuant to the Federal Land Policy and Management Act of 1976

and regulations found at 43 CFR 2800, to J-W Operating Company for an access road to a fee well, the Counts 22-30, across public land. The remainder of the access road would be constructed across private land owned by Franklin and Rose Marie Counts and John Raftopoulos.

An existing two-track road adjacent to a buried pipeline would be upgraded to a single lane 16-ft driving surface with 18-inch corrugated metal pipe (CMP) culverts as needed. The road would be crowned and ditched and constructed according to Oil and Gas Exploration & development “Gold Book”, Fourth Edition - 2006 Standards. The access road will be offset 20 feet as necessary to avoid crossing the buried pipeline. Length of the road on public land would be 1,361 feet with a width of 30 feet. Total surface disturbance would be 0.94 acre.

A Plan of Development (POD) was submitted with the application. The POD addresses construction methods, weed control and rehabilitation. J-W Operating Company states in their application that no hazardous materials would be used, produced, transported or stored within the proposed right-of-way. Mitigation not included in the POD would be addressed by BLM as stipulations.

NO ACTION ALTERNATIVE: The “no action” alternative is that the right-of-way application would be denied. However, since the proposed action is consistent with the Little Snake resource Management Plan and ROD, rejection of the ROW application was considered, but will not be analyzed further in this EA.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: There are no special designation air sheds or non-attainment areas nearby that would be affected by the proposed action.

Environmental Consequences: Short term increases of combustible engine emissions and fugitive dusts will result from road construction. It is not expected that pollutants resulting from these operations will cause impairment of the existing air quality or exceed ambient air quality standards.

Mitigative Measures: None.

Name of specialist and date: Barb Blackstun, 05/24/07

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Rob Schmitzer, 05/22/07

CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *Regional Class I Overview of Cultural Resources for the BLM Little Snake RMP*, and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Colorado Archaeologists. Also see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, and *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2.

Environmental Consequences: The proposed project, J-W Operating Company's Counts 22-30 and ROW, has undergone a Class III cultural resource survey:

Larson, Thomas K. 2007. Results of a Class III Cultural Resource Inventory for the J-W Operating Company's Counts 22-30, Moffat County, Colorado.

The survey identified no eligible to the National Register of Historic Places cultural resources. The proposed project may proceed as described in this EA with the following mitigative measures in place.

Mitigative Measures: The following standard stipulations apply for this project:

1. 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) at (970) 826-5000. 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; and
 - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. \60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and 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.

2. 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.

Name of specialist and date: Robyn Watkins Morris, 05/30/07

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Ranching, farming and oil and gas development are the primary economic activities.

Environmental Consequences: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of the proposed action. The proposed action would not directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None.

Name of specialist and date: Mike Andrews, 05/21/07

FLOOD PLAINS

Affected Environment: Active floodplains and flood prone zones are avoided.

Environmental Consequences: No threat to human safety, life, welfare, or property will result from the proposed action.

Mitigative Measures: None.

Name of specialist and date: Barb Blackstun, 05/24/07

INVASIVE, NONNATIVE SPECIES

Affected Environment: Invasive species and noxious weeds occur within the affected area. Downy brome (cheatgrass), yellow alyssum, blue mustard and other annual weeds are common along roadsides, on well pads and on other disturbed areas. Canada thistle and several species of biennial thistles are known to occur in this area. Russian knapweed, perennial pepperweed (tall whitetop), dalmation toadflax and hoary cress (whitetop) exist in

the vicinity of these proposed well pads. Other species of noxious weeds are not known to be a problem in this area, but could be introduced from other areas. The BLM, Moffat County, livestock operators, pipeline companies and oil and gas operators have formed the Northwest Colorado Weed Partnership to collaborate their efforts on controlling weeds and finding the best integrated approaches to achieve these results.

Environmental Consequences: The surface disturbing activities and associated traffic involved with constructing the access road and other subsequent activities would create a favorable environment and provide a mode of transport for noxious weeds to become established. These weeds can be spread through a variety of means including by vehicular travel, construction equipment, gravel applications, wind, water, wildlife and livestock movement. The annual invasive weed species (yellow alyssum, blue mustard and other annual weeds) occur on adjacent rangelands and will occupy the disturbed areas; the bare soils and the lack of competition from a perennial plant community would allow these weed species to grow unchecked along the sides of the access road and can affect the establishment of seeded plant species. Establishment of perennial grasses and other seeded plants is expected to provide the necessary control of invasive annual weeds within 2 or 3 years. Additional seeding treatments of the disturbed areas may be required in subsequent years if initial seeding efforts have failed.

Mitigation attached as stipulations to minimize disturbance and obtain successful interim reclamation of the unused areas of the access road, as well as weed control utilizing integrated practices, including herbicide applications would help to control the noxious weed species. All principles of Integrated Pest Management should be employed to control noxious and invasive weeds on public lands.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 05/29/07

MIGRATORY BIRDS

Affected Environment: The project area contains potential nesting and/or foraging habitat for the following USFWS 2002 Birds of Conservation Concern: Brewer's sparrow, sage sparrow, golden eagle, and loggerhead shrike. No nests have been recorded for these species in this vicinity.

Environmental Consequences: Granting the ROW would result in a short-term loss of 0.94 acres of big sagebrush shrubland habitat on public land and an estimated total of 2.26 acres for the entire road. Potential impacts for the above species include habitat degradation, fragmentation, and loss; individual displacement; and reduced fitness. Unintentional destruction of nests and eggs may also occur. Since no trees would be removed during construction, tree-nesting species would not be directly impacted. However, take of fledglings or understory and ground nests may occur. Given the scale of disturbance, the proposed action would not have a measurable impact on migratory bird populations.

Mitigative Measures: To minimize impacts on migratory bird habitat and nests, no trees will be cut or removed during construction.

Name of specialist and date: Charlie Sharp, 06/18/07

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council, and the Colorado Commission of Indian Affairs on January 21, 1999. The letter listed the projects that the BLM would notify them on and projects that would not require notification. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris, 05/30/07

PRIME & UNIQUE FARMLANDS

Affected Environment: Not present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Barb Blackstun, 05/24/07

T&E SPECIES – ANIMALS

Affected Environment: The proposed action would occur within the general winter range for the federally threatened bald eagle. There is no record of site-specific observation of bald eagles or bald eagle nests in the project area. No bald eagle crucial habitat such as roosts or forage areas is present.

Environmental Consequences: Bald eagle use of upland habitats is limited primarily to foraging during the winter for vehicle-killed animals along roadways. Individuals would only be in the project area if they were opportunistically feeding or were en-route to other areas. Although the proposed action would alter 2.26 acres of habitat, it would not impede the bald eagle's ability to forage in this area. With mitigation as stated below, the proposed action would have "no effect" on the bald eagle.

Mitigative Measures: To ensure the bald eagle is not impacted by this action, if a bald eagle is observed in the immediate vicinity of the project, construction will be delayed until the eagle has moved out of the area.

Name of specialist and date: Charlie Sharp, 06/18/07

T&E SPECIES – PLANTS

Affected Environment: There are no federally listed threatened or endangered plant species within or in the vicinity of the proposed action.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Hunter Seim, 05/30/07

T&E SPECIES - SENSITIVE PLANTS

Affected Environment: There are no BLM sensitive plant species within or in the vicinity of the proposed action.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Hunter Seim, 05/30/07

WASTES, HAZARDOUS OR SOLID

Affected Environment: If a release does occur, the environment affected would be dependent on the nature and volume of material released. If there are no releases, there would be no environmental impact.

Environmental Consequences: Consequences would be dependent on the volume and nature of the material released. In most situations involving hazardous materials, there are ways to remediate the area that has been contaminated. Short-term consequences would occur, but they can be remedied and long-term impacts would be minimal.

Mitigative Measures: None.

Name of specialist and date: Mike Andrews, 06/11/07

WATER QUALITY - GROUND

Affected Environment: No ground water resources will be affected by the proposed action.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Jennifer Maiolo, 06/01/07

WATER QUALITY - SURFACE

Affected Environment: The project area is located on rolling hills near Great Divide, CO. Runoff water from the affected area would drain towards Big Hole Gulch, an intermittent tributary of the Little Snake River. This segment of the Little Snake River must have water quality sufficient to support Aquatic Life Cold 1, Recreation 1a, Water Supply, and Agriculture. All stream segments within the affected environment are presently supporting their classified uses.

Environmental Consequences: No substantial increase in sediment would be expected in Big Gulch resulting from the proposed project. Impacts from construction would be greatest shortly after project start and would decrease in time as a result of stabilization through revegetation and reclamation of disturbed areas. Increased sedimentation to the Little Snake River during spring runoff or from high intensity summer/fall rainstorms would be the greatest potential impact to water quality. Although some sediment may be transported off site, much of the increase in sediment will be redeposited in floodplains of Big Gulch, prior to entering the Little Snake River.

Mitigative Measures: None.

Name of specialist and date: Barb Blackstun, 05/29/07

WETLANDS/RIPARIAN ZONES

Affected Environment: Bighole Gulch, an ephemeral stream, would be crossed by the proposed ROW on private land. Public land occurs immediately downstream of this crossing. Riparian vegetation including willow, cottonwood, and sedges line reaches of this waterway, and the area supports a variety of wildlife.

Environmental Consequences: Sedimentation may occur as a result of this action, particularly during construction. Evidence of accelerated erosion was observed along this drainage and was attributed to overgrazing. Approximately 0.07 acres of riparian vegetation may be removed as a result of this action.

Mitigative Measures: In order to reduce sedimentation load and to avoid impeding water flows, low water crossing will not be permitted at the Bighole Gulch crossing; culvert installation and similar practices will be applied according to Gold Book standards. Weed spraying and other control measures will be applied to prevent degradation of the riparian community.

Name of specialist and date: Charlie Sharp, 06/18/07

WILD & SCENIC RIVERS

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Rob Schmitzer, 05/22/07

WSAs, WILDERNESS CHARACTERISTICS

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Rob Schmitzer, 05/22/07

NON-CRITICAL ELEMENTS

PALEONTOLOGY

Affected Environment: Paleontological resources in Sec. 19, T10N, R93W are comprised of rocks of the Cathedral Bluffs Tongue of the Wasatch Formation, overlain by Quaternary alluvium. It is about 1,200 ft thick in vicinity of Lookout Mountain, CO. The Cathedral Bluffs Tongue overlies and intertongues with Tipton Tongue sediments of the Green River formation (formerly the Tipton shale member of the Green River). It underlies the Laney Shale member of Green River formation and is considered to be of Eocene age. Vertebrate fossils found in the Cathedral Bluffs Tongue include *Notharctus* and *Hyracotherium*; both fossils are early Eocene perissodactyls. The upper contact of Cathedral Bluffs Tongue of the Wasatch Formation has been revised in Moffat Co, CO and adjoining WY on the east side of the Washakie basin of the Greater Green River basin. The Cathedral Bluffs Tongue underlies a 200-324 ft thick gray and green mudstone that is interbedded with brown oil-shale, gray-brown silty kerogenaceous shale, gray or tan sandstone and siltstone and gray shale named Godiva Rim Member of Green River Formation.

Environmental Consequences: *PYFC: Class 3b* – Unknown Potential. Units exhibit geologic features and preservational conditions that suggest significant fossils could be present, but little information about the paleontological resources of the unit or the area is known. This may indicate the unit or area is poorly studied, and field surveys may uncover significant finds. It is the intent that the units in this Class will eventually be placed in another Class when sufficient survey and research is performed. The unknown potential of

the units in this Class should be carefully considered when developing any mitigation or management approaches.

(1) Management concern for paleontological resources is moderate; or cannot be determined from existing data.

(2) Surface-disturbing activities may require field assessment to determine appropriate course of action.

Mitigative Measures: Unusual occurrences of plant and invertebrate fossils should be recorded, and representative examples may be collected if appropriate. Concentrations of common plant or invertebrate fossils that may be suitable for public hobby collection areas should also be noted and reported to the Field Office paleontology program coordinator or paleontology program lead. Additional mitigation measures may be appropriate in some cases for these types of localities.

If vertebrate fossil material is discovered during construction activities, surface disturbing actions shall halt until an assessment of the find is completed and appropriate protection measures taken. The Authorized Officer should be notified as soon as possible of the discovery and any mitigation efforts that were undertaken. If the find cannot be mitigated within a reasonable time, the concurrence of the Authorized Officer or official representative for a longer work stoppage must be obtained. Work may not resume until approval is granted from both the PI or Field Agent and the Authorized Officer.

During operations, if any vertebrate paleontological resources are discovered, in accordance with Section 6 of Form 3100-11 and 43 CFR 3162.1, all operations affecting such sites shall be immediately suspended, and all discoveries shall be left intact until authorized to proceed by the Authorized Officer. The appropriate Authorized Officer of the Little Snake BLM office shall be notified within 48 hrs of the discovery, and a decision as to the preferred alternative/course of action will be rendered.

Name of specialist and date: Marilyn D. Wegweiser, 05/21/07

SOILS

Affected Environment: The proposed access road crosses several soil mapping units.

Environmental Consequences: The construction of the access road and operation of the J-W fee well would affect soils within and immediately adjacent to the proposed areas of disturbance. Road construction should follow the design standards and recommendations outlined in the Surface Operating Standards for Oil and Gas Development, 4th Edition.

Increased soil erosion from wind and water would occur during construction of the short access road. Erosion would continue throughout the operational life of the well. Loss of topsoil, soil compaction, and possible increases in sediment loads to drainages are impacts

most likely to occur. Vegetation would be removed and soil productivity would decline due to reduced soil microbial activity, impaired water infiltration, mixing of soil horizons, top soil loss, and introduction of weeds.

Mitigation provided in the Plan of Development for the proposed action as well as the surface mitigation contained in the stipulations would reduce the potential to have excessive sediments and salts in runoff water from the site. Soil loss from construction would be greatest shortly after project start and would decrease in time as a result of stabilization through re-vegetation and reclamation of disturbed areas.

Mitigative Measures: Additional mitigative measures will be employed to prevent or reduce accelerated erosion if it begins to occur within or on constructed drainage and diversion ditches or surface drainages affected by the road.

Name of specialist and date: Barb Blackstun, 05/29/07

WILDLIFE, AQUATIC

Affected Environment: Bighole Gulch, an ephemeral stream, and its riparian assemblage provides habitat for a variety of insects and amphibians. This waterway is not known to support any fish populations.

Environmental Consequences: Approximately 0.05 acres of aquatic habitat on private property would be modified. Downstream reaches may also be indirectly influenced by this action. Water turbidity would increase as a result of road construction but, with stated mitigation, would likely return to normal levels upon project completion.

Mitigative Measures: In order to reduce sedimentation load and to avoid impeding water flows, low water crossing will not be permitted at the Bighole Gulch crossing; culvert installation and similar practices will be applied according to Gold Book standards.

Name of specialist and date: Charlie Sharp, 06/18/07

WILDLIFE, TERRESTRIAL

Affected Environment: The big sagebrush and riparian communities provide habitat for a variety of species including deer, elk, pronghorn, small mammals, and birds. Although big game may occupy this area in moderate winters, no crucial habitat or severe winter range is present in the vicinity. Greater sage-grouse brooding habitat and winter range occur in this area. Also, several leks occur in the area. A segment of the private land portion of the ROW falls within the 2-mile protection buffer for sage grouse nesting habitat.

Environmental Consequences: Approximately 2.26 acres of greater sage grouse brooding habitat and winter range and 0.98 acres of nesting habitat would be lost on private and BLM surface as a result of this action. Therefore, granting the ROW “may affect but is not likely

to result in a trend toward federal listing” for the BLM sensitive greater sage-grouse. General impacts for big game and other species include habitat degradation, fragmentation, and loss, individual displacement, and reduced fitness. Such impacts are more significant during critical seasons, such as winter or reproduction. Wildlife using the area are likely to be temporarily displaced during construction and may find the area unsuitable once construction is complete. Most small mammals using the project area would be capable of avoiding construction activities and should not be directly harmed by these activities, although some burrowing animals may be killed by construction equipment. Given the scale of disturbance, the proposed action would be unlikely to have measurable impacts to wildlife populations.

Mitigative Measures: In order to reduce impacts on greater sage grouse nesting and brooding habitat, no construction would occur between March 1 and June 30.

Name of specialist and date: Charlie Sharp, 06/18/07

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals	JAM 6/1/2007		
Forest Management	MAA 5/22/07		
Hydrology/Ground	JAM 6/1/2007		
Hydrology/Surface		BB 5/24/07	
Paleontology			MDW 5/22/07
Range Management		JHS 05/30/07	
Realty Authorizations		MAA 5/21/07	
Recreation/Travel Mgmt		RS 5/22/07	
Socio-Economics	MAA 5/21/07		
Solid Minerals		JAM 6/14/2007	
Visual Resources		RS 05/22/07	
Wild Horse & Burro Mgmt	MAA 5/21/07		

CUMULATIVE IMPACTS SUMMARY: Cumulative impacts may result from the development of the fee wells and the associated rights-of-way crossing public and private lands, when added to non-project impacts that result from past, present and reasonably foreseeable future actions. The potential exists for further oil and gas development throughout the area of the proposed action. Producing wells exist within a one-mile radius of the proposed action. Other

past or existing actions near the area of the proposed action that affect the landscape include wildfire, grazing and ranching activity and recreation.

Surface disturbance associated with oil and gas activity would increase the potential for erosion and sedimentation. A small reduction in available forage is anticipated. Some wildlife species may be temporarily displaced by construction of the wells and associated rights-of-way, but should return once construction is completed. Continued oil and gas development in the area would increase the fragmentation of wildlife habitat, displacement of some wildlife, disturbance to vegetation and the potential for establishment of invasive weeds.

STANDARDS:

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: Wildlife using the area would likely be temporarily displaced during construction and may find the project unsuitable once construction is complete. No crucial habitat or severe winter range for any species is located in the project area. The Powderwash Landscape was not meeting this standard when assessed in 2003. Therefore, the proposed action would not solely result in diminished animal production, diversity, or resilience; however, it may contribute to delayed restoration. Proper reclamation and compliance with wildlife timing stipulations should help improve this standard for wildlife.

Name of specialist and date: Charlie Sharp, 06/18/07

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD: The project area provides winter range for the bald eagle. Although the proposed action would alter 2.26 acres of habitat, it would not impede the bald eagle's ability to forage in this area. Therefore, the proposed action would have "no effect" on the bald eagle. The proposed action may result in a minimal, short-term loss of habitat but would not appreciably impact the stability or growth of special status species' populations. Therefore, the proposed action would not preclude this landscape from meeting this standard.

Name of specialist and date: Charlie Sharp, 06/18/07

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: There are no federally listed threatened or endangered plant species within or in the vicinity of the proposed action. This standard does not apply.

Name of specialist and date: Hunter Seim, 05/30/07

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species within or in the vicinity of the proposed action. This standard does not apply.

Name of specialist and date: Hunter Seim, 05/30/07

RIPARIAN SYSTEMS STANDARD: When assessed in 2003, this landscape was found to be not meeting this standard, due primarily to overgrazing by cattle. Therefore, the proposed action would not solely or directly result in system degradation but may contribute to delayed restoration. Proper stream crossings, weed control, and successful reclamation should help attain this standard.

Name of specialist and date: Charlie Sharp, 05/29/07

WATER QUALITY STANDARD: The water quality standard is met. Upgrading this portion of the existing access road and providing unimpeded water flow with the culvert installation may reduce runoff from this site. All stream segments within the affected environment are presently supporting their classified uses.

Name of specialist and date: Barb Blackstun, 05/24/07

UPLAND SOILS STANDARD: The portion of the right-of-way that will be used as a road is not expected to, nor will it meet the upland soil standard. Soils will be compacted and infiltration rates will be greatly reduced. Vegetative cover will be bladed from the road way. Several Best Management Practices have been designed into the project that will reduce impacts to and conserve soil materials. Upland soil health will return to the access road disturbances after road abandonment and reclamation practices have been successfully achieved.

Name of specialist and date: Barb Blackstun, 05/24/07

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
EA CO-100-2007-077

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

DECISION AND RATIONALE: I have determined that construction of the access road right-of-way (ROW) in conformance with the approved land use plan. It is my decision to issue the right-of-way grant with the mitigation measures to J-W Operating Company. The grant is for construction, operation, maintenance, and termination of an access road to a fee well across public land in the W½SE¼ Sec. 19, T.10N., R.93W., 6th P.M., Moffat County, Colorado. The ROW is 1,361 feet long and 30 feet wide. The ROW grant is issued for 20 years with the right of renewal. The ROW is subject to rental pursuant to 43 CFR 2803.1-2. The project will be monitored as stated in the Compliance Plan outlined below.

It is the policy of the Bureau of Land Management to grant ROWs to occupy and use public land where such is consistent with resource values, the Bureau's planning system, and local government concerns. To this effect, no conflicts were found; the action does not result in any undue or unnecessary environmental degradation. The action is consistent with the Little Snake Resource Management Plan. The proposed use, as planned and mitigated, is a suitable use of the land, which will not conflict with the present or known future use of the area. The action is consistent with Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and the regulations authorizing use of federal land under 43 CFR 2800.

MITIGATION MEASURES: See Exhibit B, Stipulations.

COMPLIANCE PLAN(S):

Compliance Schedule: Compliance will be conducted during the construction phase and reclamation phase to insure that all terms and conditions specified in the right-of-way grant and stipulations are followed. The right-of-way will be on a five-year compliance schedule after completion of the project.

Monitoring Plan: The access road right-of-way will be monitored during the term of the right-of-way for compliance with the grant, stipulations, POD, and pertinent regulations until final abandonment is approved; monitoring will help determine the effectiveness of mitigation and document the need for additional mitigative measures.

Assignment of Responsibility: Responsibility for implementation of the compliance schedule and monitoring plan will be assigned to the Realty staff in the Little Snake Field Office. The primary inspector will be the Realty Specialist.

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

Exhibit B CO-100-2007-077 EA
Stipulations
COC71208 – Access road right-of-way

1. The holder shall construct, operate and maintain the facilities, improvements and structures within this right-of-way in strict conformity with the plan of development (POD), which was approved and made part of this grant. Any relocation, additional construction or use that is not in accordance with the POD shall not be initiated without prior approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations regarding construction, operation, approved POD and termination shall be made available on the right-of-way area during construction, operation and termination to the Authorized Officer (AO). Noncompliance with the terms above will be grounds for an immediate suspension of activities, if it constitutes a threat to public health and safety or the environment.
2. The Little Snake Field Office will be given 48-hour notification prior to commencing construction and/or reclamation work. Contact the Little Snake Field Office (970) 826-5000 to report when work will commence.
3. The access road constructed will be crowned, ditched, and maintained to provide a 12 to 14 foot travel way. Total width of authorized disturbance is 30 feet. Water turnouts needed to provide additional drainage from the road ditch will be constructed not to exceed 2 percent slope to minimize soil erosion. Construction and upgrading of the access road and installation of drainage features should follow the recommendations provided in the Surface Operating Standards for Oil and Gas Development, 4th Edition.
4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
5. No surface disturbing activities allowed between March 1 and June 30 in order to protect nesting greater sage-grouse.
6. No trees shall be cut during construction. In the event that bald eagle(s) are observed in the immediate vicinity of the project, construction activity shall be delayed until eagle(s) have moved out of the immediate vicinity.
7. 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 AO. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made by the AO 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 any decision as to proper mitigation measures will be made by the AO after consulting with the holder.

8. 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) at (970) 826-5000. 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; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and 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.

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.

9. If vertebrate fossil material is discovered during construction activities, all surface disturbance shall halt until an assessment of the find is completed and appropriate protective measures are taken. The AO shall be notified as soon as possible of the discovery and any mitigation efforts that were undertaken. If the find cannot be mitigated within a reasonable time, the concurrence of the AO or official representative must be obtained. Work may not resume until approval is granted by the AO or official representative.

10. The holder shall provide 48 hour notification to the owner/operator of facilities prior to performing any work within 10 feet of buried or above ground pipelines.

11. The holder shall be responsible for weed control on disturbed areas with the limits of the right-of-way. The holder is responsible for consultation with the AO and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

12. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the AO

written approval of the plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

13. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. The conference will be held to review the termination provision of the grant.

14. The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of a self-regenerating 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 to the approximate original contour, effectively controlling noxious weeds, 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 the 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. 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 abandonment 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 lessees prerogative to use those (s)he chooses to accomplish the objective. However, it is recommended that 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 pedestalling, 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:

- a. 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.
 - b. 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 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 or 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 AO. Such waiver will be documented and justified when not applicable or objectives are accomplished through another method.