BLM

U.S. Department of the Interior
Bureau of Land Management

Categorical Exclusion

Row for Existing USA Federal Oil Line

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management

Categorical Exclusion
Row for Existing USA Federal Oil Line

DOI-BLM-CO-2015–0044 CX

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
Cañon City, CO

This page intentionally
left blank

A. Background

BLM Office:

Royal Gorge Field Office, LLCOF02

Lease/Serial/Case File No.:COC—76865

Proposed Action Title/Type:ROW for Existing USA Federal Oil Line

Location of Proposed Action:

Weld County, CO

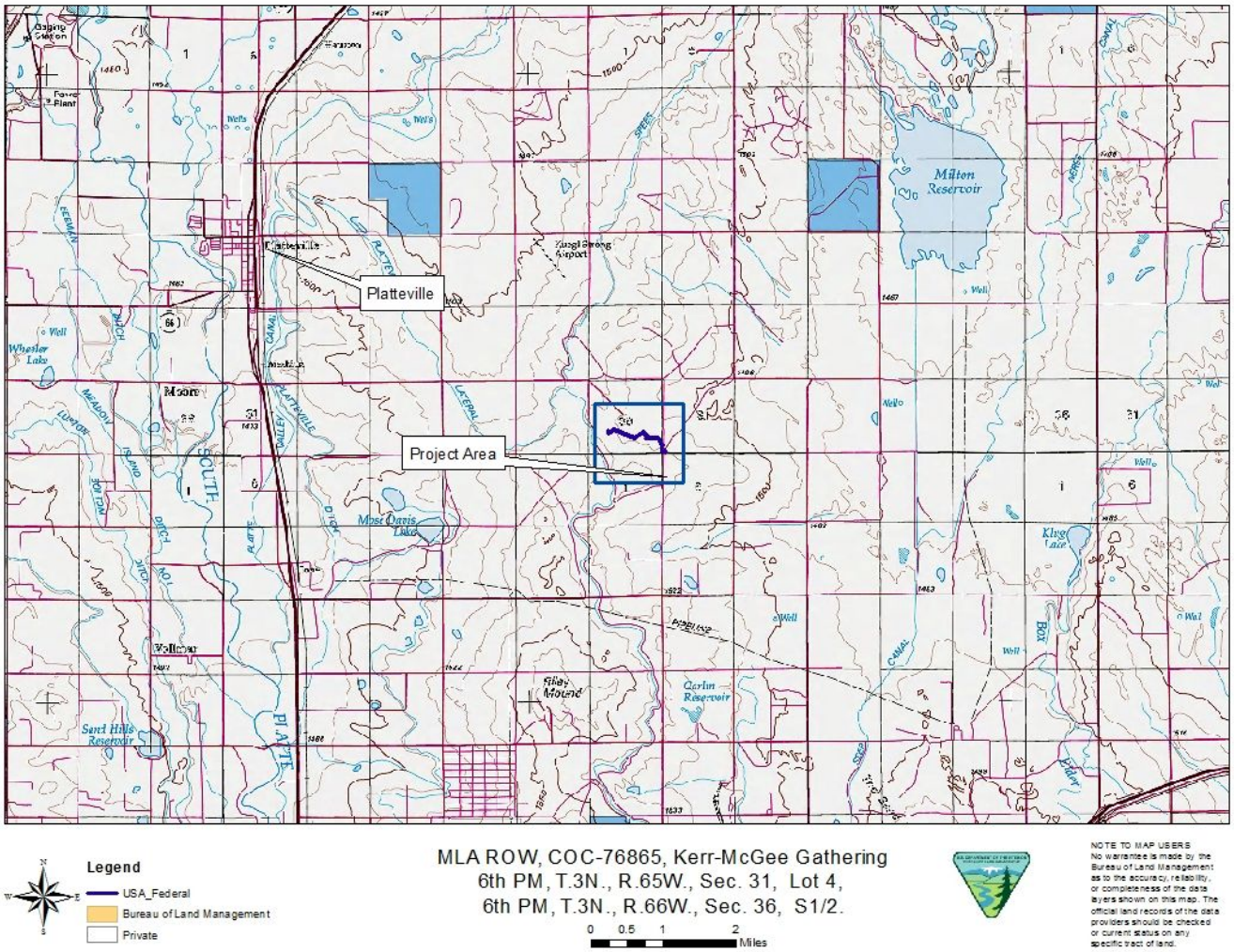
6th PM, T.3N., R. 65W., Section 31; Lot 4

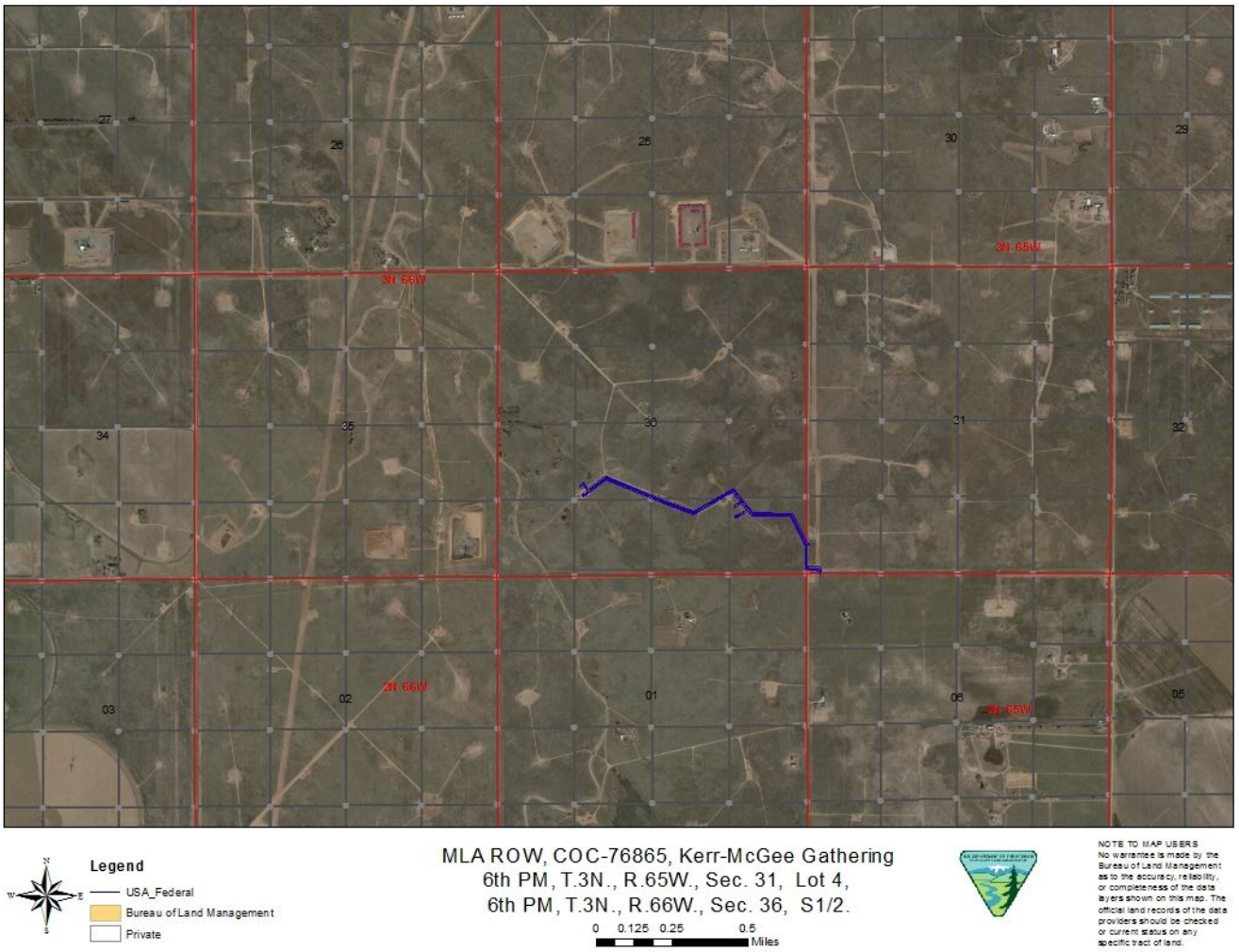
6th PM, T.3N., R. 66W., Section 36; S1/2

Applicant: Kerr McGee Gathering LLC

Description of Proposed Action:

The BLM action is to respond to an application received from Kerr McGee Gathering LLC for right-of-way (ROW)COC-76865. The right of way is for the continued operation and maintenance of an existing 4–inch oil line with access road across federal land. This pipeline shares a trench with a 6 inch gas line (ROW COC–76866). This land is owned by NOAA and managed by BLM RGFO as it pertains to oil and gas resources per MOU Agreement Number CO-200-237. There is no public access to the project area. The right-of-way COC–76865, 4939 feet long, 25 feet wide, encompassing approximately 2.8 acres. The installation of the oil line was analyzed in a previous EA document : DOI-BLM-CO-200-2012-0087 EA, and authorized as part of an APD project. Kerr-McGee Rocky Mountain Corp, who operates oil and gas lease # COC-37842, installed and currently operates the line. Kerr-McGee Rocky Mountain Corp is selling the oil collection line to Kerr-Mcgee Gathering LLC (a third party) and upon completion of the sale the use will no longer be authorized under the APD. The right-of-way is being processed pursuant to the Mineral Leasing Act because the action covers land managed by more than one Federal Agency. The right-of-way will include mitigation measures formulated into the attached stipulations. Since the line is already installed and ROW interim reclaimed, no new construction activities are required with this action.


Platteville
Project Area
Milton Reservoir
Whistler Lake
Moore
Wellmer
Sand Hills Reservoir
Carlin Reservoir
Filley Mound
Mose Davis Lake
Klug Lake
Legend
USA_Federal
Bureau of Land Management
Private
MLA ROW, COC-76865, Kerr-McGee Gathering
6th PM, T.3N., R.65W., Sec. 31, Lot 4,
6th PM, T.3N., R.66W., Sec. 36, S1/2.
0 0.5 1 2
Miles
NOTE TO MAP USERS
No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.



B. Land Use Plan Conformance

Land Use Plan Name:

Name of Plan: Northeast Resource Management Plan

Date Approved: September 16, 1986

Decision Number: Issue 25

Decision Language: Applications for various authorized uses will be processed on an individual basis; each will be analyzed for: Consistency with RMP; Adjoining land uses; Legal access; Conflicting resource values; Public need; Highest and best use of the land; Coordination with state and county agencies (e.g., land use plans, zoning authority)

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9,

This categorical exclusion 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 apply.

I considered:

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 9(E16). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Table 1.1. Exclusion Criteria

Exclusion Criteria	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; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; 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.		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
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.		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.		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.		X

Table 1.2. Interdisciplinary Team Review

INTERDISCIPLINARY TEAM REVIEW			
NAME	**TITLE**	**AREA OF RESPONSIBILITY**	**Initials/date**
Lara Duran	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	See analysis below, LD 5/28/15
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL 3/27/2015
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG 3/26/15
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 5/14/15
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 3/31/2015
Ty Webb	Fire Management Officer	Air Quality	TSW, 3/27/15
Dave Parker	Cadastral Surveyor	Cadastral Survey	DP, 10/20/15
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	LS, 4/16/2015
Ken Reed	Forester	Forestry	KR, 4/30/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 6/6/15
Rich Rotte	Realty Specialist	Realty	RAR, 3/26/15
Ty Webb	Fire Management Officer	Fire	TSW, 3/27/15

REMARKS:

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-15-147 (N)]. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened, Endangered and Proposed Species: Two threatened species possibly have suitable habitat within a ¼ mile of the action area, which is characterized as an existing disturbed site in shortgrass prairie adjacent to a creek and irrigation ditch where oil and gas infrastructure is immediately surrounding. The land is managed by NOAA in Weld County. These two species and the expected effects are described in the table below.

Species Name	**Listing Status**	**Environmental conditions need for habitat**	**Designated critical habitat by the Secretary of the Interior (74 Federal Register 36, CFR Part 17, PL-93-205, Section 4, 1978)/**	**Effects from Proposed Action**
Colorado butter-fly plant (*Guara neomexi-cana spp.*	Threatened	Facultative Wetland species endemic to northeast Colorado, including Boulder, Broomfield, Douglas, Jefferson, Larimer and Weld counties in sub-irrigated, alluvial soils of drainage bottoms surrounded by mixed grass prairie at elevations of 5,800	No, Designated but not in Colorado (USFWS 2005)	Although a small stream is located within 1/4 mile of the proposed action area, activities would be confined to uplands in an existing disturbed site. The proposed actions would

Coloraden-sis)		to 6,200 ft. in elevation; flowers June to September, fruits July to October (Nature Serve 2014, USFWS 2015)		not enlarge the disturbed area footprint and would not affect the stream corridor.
Ute ladies' tresses orchid (*Spiranthes diluvialis*)	Threatened	Facultative Wetland uncommon species, in seasonally moist soils and wet meadows of drainages, found in riparian wetlands, herbaceous dominated meadows in the floodplains of perennial streams in Boulder, El Paso, Jefferson, Larimer, Moffat and Weld Counties; requires occasional fluvial disturbances, such as flooding, from 4,500 to 6,800 feet elevation, flowers July to September (NatureServe 2014, USFWS 1992)	Not designated	Although a small stream is located within 1/4 mile of the proposed action area, activities would be confined to uplands in an existing disturbed site. The proposed actions would not enlarge the disturbed area footprint and would not affect the stream corridor.

Since there would be no effect to these species or their habitats, there would be no cumulative effects. Because there would be no effects to streams or wetlands and the disturbed footprint would remain the same size and extent, there would be NO EFFECT to *Guara neomexicana spp. Coloradensis* or *Spiranthes diluvialis* or their habitat. There are no other threatened, endangered, or proposed species that would be affected by this project. Section 7 obligations are complete for this project.

BLM Sensitive Species: The BLM sensitive species likely to have suitable habitat within 1/4 mile of the action area that were considered, and the expected effects are described in the table below.

Species Name	Environmental conditions need for habitat	Effects from Proposed Action
white-faced ibis *(Plegadis chihi)*	Breeding habitat only: Marshes, shallow frequently flood pond margins, reservoirs and agricultural fields, shallow water, moist soil, freshwater wetlands, cattails, sedges in eastern Colorado, migratory from April to September, wading and probing feeder of insects in lakes, wetlands and flooded hay meadows or agricultural fields, ground nests in marsh in colonies, breeds from Wading and probing feeder of insects in lakes, wetlands and flooded hay meadows or agricultural fields, ground nester in marsh, Migratory in CO, breeds from April 21 to August 15	Although a small stream and ditch are located within 1/4 mile of the proposed action area, activities would be confined to uplands in an existing disturbed site that is surrounded by gas and oil infrastructure. The proposed actions would not enlarge the disturbed area footprint and would not affect the stream corridor. It is unlikely that this species would nest within the action area because of the lack of wetlands associated with the creek and ditch, and because of the high volume of infrastructure. There would be no effect to this species.
mountain plover *(Charadrius montanus)*	Endemic short grass prairie and shrub steppe with sparse vegetation, near prairie dogs, shallow depressions in ground, 30% bare ground with shade, eastern Colorado and South Park, agricultural fields with flat topography, sparse vegetation less than 2" height with high cover percent of bare ground up to 100%	This is an existing disturbed footprint, however this species prefers sites such as this one for nesting, so nests and nesting behavior could be affected if construction or operations occur during breeding season. Effects to foraging habitat would be immeasurable since it is in a previously disturbed site.
ferruginous hawk *(Buteo regalis)*	Flat rolling prairies, semi-desert shrub-steppe, low elevation, 3000 to 9500' elevation, migratory in CO, breeds in CO from March 5 to July 31, very intolerant of disturbance, requires a 1 mile nest buffer	Construction and operations during nesting season may cause nest or chick abandonment, GIS analysis indicates nest trees could be within 0.5 mile of action area; foraging habitat would not be affected

burrowing owl *(Athene cunicularia)*	Short grass prairie in or near prairie dog colonies with burrows in grassland, shrublands, deserts and grassy urban areas, burrows excavated by other animals in eastern Colorado, Migratory in CO, breeds from April 1 to August 10, requires a 0.25 mile nest buffer; Colorado Breeding Bird Atlas documents burrowing owl probably breeding in area with a similar land use pattern in the vicinity of the action area	Although shortgrass prairie exists within 1/4 mile of the action area, it is assumed that black-tailed prairie dog colonies do not exist within the action area based on CPW GIS data, and that the existing oil and gas infrastructure surrounding the action area preclude burrowing owl from nesting and establishing in the area. If this species is present in the action area, then construction and operations during breeding season or actions that affect prairie dog colonies could affect burrowing owl reproductive success. Conservation measures would be necessary.
Black-tailed prairie dog *(Cynomys ludovicianus)*	Short and mixed grass prairies with bare ground	It is unlikely that this species would have a colony within a 1/4 mile of the action area since the area is surrounded by oil and gas development and its habitat is fragmented. If this species is present, then construction and operations could displace prairie dogs.
fringed myotis *(Myotis thysanodes)*	Fir-pine forests, ponderosa pine, piñon pine, juniper woodlands with snags, Gamble oak, interspersed with open deserts, shrubs, grasslands, edges and abundant water sources, 3900 to 10,000' elevation, caves, mines, rock crevices, structures	Because this is an existing disturbed site and the pipe would be below ground, there would be no effects to this species.

Cumulative effects to these species when this action is added to other federal and non-federal actions would be insignificant and discountable since this is a previously disturbed site and actions would be consistent with existing uses.

Migratory Birds: The following migratory birds are listed as priority BLM species, bird species of conservation concern by Colorado Partners in Flight or are on the US Fish and Wildlife Service Birds of Conservation Concern (BCC) – 2008 List for BCR 18-Shortgrass Prairie. These species are believed to winter and/or breed in or near the project area, have declining populations and should be protected from habitat alterations. The effects to these species are described in the table below.

BLM Priority Migratory Birds	**Life History Traits**	**Effects from Proposed Action**
Swainson's hawk (*Buteo swainsoni*)	Mammalian prey, aerial hunting, tree nesting, resident in CO, prefers mountain grasslands, requires open hunting grounds; requires a 0.25 mile nest buffer, in CO breeds from April 14 to August 20	No loss of breeding habitat would be expected for Swainson's hawk. Disturbance caused by construction activity during the breeding season for these three species could have a negative impact on the reproductive success, including nest abandonment. Foraging habitat would not be affected.
Cassin's sparrow (*Aimophila cassini*i)	Ground nester, insect eater, ground forager, migratory in CO, breeds in CO from May 21 to August 5	Since this is an existing disturbed footprint, there would be no loss of breeding habitat. There is a slight chance this species could attempt to nest in the action area annually, so construction and operations could destroy ground nests if carried out during breeding season; conservation measures would be necessary

horned lark (*Eremophila alpestris*) 5	Seed eater, ground forager, ground nester on bare ground, resident in CO, prefers bare ground, short vegetation, crop fields, feedlots, heavily grazed pasture, breeds in CO from March 1 to August 20	This is an existing disturbed footprint, however this species prefers sites such as this one for nesting, so nests and nesting behavior could be affected if construction or operations occur during breeding season. Effects to foraging habitat would be immeasurable since it is in a previously disturbed site.
loggerhead shrike (*Lanius ludovicianus*)	Insect eater, aerial dive hunting, tree nesting, migratory in CO, prefers mountain grasslands, in CO breeds from April 10 to August 20, range-wide population decline	No loss of breeding habitat and reproductive success would be affected since trees would not be removed and no trees in close proximity of the action area. Since this is an existing disturbed site, there would be no effects to foraging habitat for this species.
Colorado Partners In Flight & Landbird Conservation Priority Birds	**Life History Traits**	**Effects from Proposed Action**
McCown's longspur (*Calcarius mccownii*)	Seed eater, ground forager, ground nester, migratory in CO, requires native shortgrass prairie with sparse vegetation and interspersed tallgrass and shrubs, heavily to moderately grazed, bare or sparsely vegetated hillsides, little or no forb or woody plant cover, breeds in CO from May 1 to July 31	Construction and operations during breeding season may destroy ground nests and nesting behavior; conservation measures would be necessary. Effects to foraging habitat would be immeasurable.

Cumulative effects to these species when this action is added to other federal and non-federal actions would be insignificant and discountable since this is a previously disturbed site with no new disturbance footprint, and the proposed actions would be consistent with existing uses on site and in the immediately surrounding area.

Conservation Measures for Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a "take" of migratory birds. Pursuant to BLM Instruction Memorandum 2013-119, to reduce impacts to BLM Priority Migratory Birds and Colorado Partners in Flight and US Fish and Wildlife Service Birds of Conservation Concern (BCC), conservation measures would be necessary.

- Conduct bird surveys within one week prior to vegetation and ground surface-disturbing activities during the breeding season between March 1st and July 31st within a 1/8 mile of the entire project area and to include all proposed construction and activity areas

- Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions, following interior line transects (Hanni 2002) or Monitoring Colorado Bird's (MCB) point transects (Leukering 2000), or other pre-approved protocol

- If surveys result in positive detection of breeding migratory birds or raptors, then no vegetation and ground surface-disturbing activities would be allowed between March 1st and July 31st to ensure full protection of migratory bird and raptor breeding activities, especially for Cassin's finch, loggerhead shrike, Swainson's hawk, horned lark, and McCown's longspur, and the following BLM sensitive bird species: mountain plover, ferruginous hawk, and burrowing owl

- If raptor nests are detected then a 1/2 mile buffer, or a comparable stipulation depending on the raptor species, would be required; all active and inactive raptor nest trees and nest areas require protection
- If surveys result in negative detection of breeding migratory birds or raptors, then construction activities could proceed
- If bird surveys are not feasible, then no construction or implementation activities would be allowed between March 1st and July 31st to ensure full protection of migratory bird and raptor breeding activities
- Vegetation and ground surface-disturbing activities that are initiated prior to March 1st may continue through the breeding season because it is assumed loss of suitable breeding habitat occurred in the project area prior to the start of the bird breeding season

Wastes, Solid or Hazardous: It is assumed that conditions associated with the proposed project site, both surface and subsurface, are currently clean and that there is no known contamination. A determination will be made by the operator prior to initiating the project, if there is evidence that demonstrates otherwise (such as solid or hazardous substances have been previously used, stored, or disposed of at the project site). Appropriate level of spill kits need to be onsite and in vehicles. All spill reporting needs to follow the reporting requirements outlined in NTL-3A. No treatment or disposal of wastes on site is allowed.

D. Approval and Contact Information

NAME OF PREPARER: Rich Rotte, Aaron Richter

SUPERVISORY REVIEW: /s/ Jay Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 12/22/15

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 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: /s/ Jay Raiford acting

Keith E. Berger, Field Manager

DATE SIGNED: 12/22/15