

**Bureau of Land Management
Canyons of the Ancients National Monument
27501 Highway 184
Dolores, CO 81323**

DECISION

DOI-BLM-CO-S070-2014-0040-CX
Goodman Point 3D Seismic Project

Decision:

It is my decision to implement the Proposed Action as proposed by Kinder Morgan to deploy seismic receivers (geophones) on Canyons of the Ancients National Monument (The Monument) in Montezuma County, Colorado for the Goodman Point 3D seismic exploration project and as described in the attached Categorical Exclusion (CX) documentation (DOI-BLM-CO-S070-2014-0040). The design features and conditions of approval as described in Attachment 1 would apply.

Conditions of Approval:

Design criteria and Conditions of approval are included in Attachment 1, below.

Conformance with the Land Use Plan:

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 2010 Canyon of the Ancients National Monument Record of Decision/Approved Resource Management Plan (2010).

Rationale:

The Proposed Action is categorically excluded from further documentation based on Categorical Exclusion number B.6, pursuant to 516 DM 11.9, as described in Appendix 4 of the BLM NEPA Handbook (H-1790-1). The categorical exclusion is for “Approval of Notices of Intent to conduct geophysical exploration of oil, gas, or geothermal, pursuant to 43, CFR 3150 or 3250, when no temporary or new road construction is proposed.”

The placement of seismic receivers on the Monument is a critically necessary component for successful completion of this proposed 3D seismic exploration and will allow for better management of the mineral resource to minimize surface disturbance.

Protest and Appeal Opportunities:

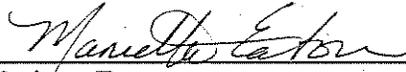
State Director Review

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CRF Part 4.

Signature of the Authorized Official:



Marietta Eaton
Monument Manager
Canyons of the Ancients National Monument

9.24.14

Date

Attachment 1 – Design Criteria and Conditions of Approval

Design Criteria and Conditions of Approval for Goodman Point 3D Seismic Project.

Mitigations:

Kinder Morgan committed to the following **Design Criteria**:

1. There will be no source points located on BLM administered lands, only pedestrian deployment, maintenance & retrieval of receivers. Work crews will access the proposed receiver points on foot from existing access roads.
 2. All work would be from existing roads and or existing Kinder Morgan well pads as staging areas.
 3. No new road or trail construction will be required and no off-road vehicle travel will occur, except in the case of medical emergency. Any ground disturbance occurring as the result of medical emergency actions would be mitigated as necessary.
 4. A helicopter will be used to support deployment and pick-up of receivers.
 5. All equipment will be removed from the project area once seismic operations are complete. Solid waste will be removed on a regular basis, and all work areas will be inspected and any remaining solid waste removed following completion of seismic activities.
 6. There are two no-entry areas for receiver deployment – Sand Canyon Pueblo (BLM) and the Goodman Point Unit of Hovenweep National Monument (National Park Service). Helicopters will not fly over the two no-entry areas. **Note: these areas need to be defined clearly both by GPS coverage and a more detailed map than was provided with the NOI.**
 7. Receivers will not be placed within 50 feet of designated trails within Canyons of the Ancients National Monument.
 8. Source points will not be located within 650 feet of the boundaries of Canyons of the Ancients National Monument and Hovenweep National Monument.
 9. Known raptor nest locations will be avoided by helicopter activities within ½-mile radius during the following periods*:
 - Golden Eagle: February 1 through July 15
 - Peregrine Falcon: March 15 through July 31
- * For raptor nests on BLM land, helicopter activity within the buffer area on private land will be avoided during the restriction period.
10. No Helicopter activity will occur within potential Spotted Owl habitat after March 15, 2015.
 11. No refueling or vehicle maintenance will occur on public lands within the project area.
 12. Helicopter staging, landing (other than an emergency) or re-fueling will not occur on public lands within the project area.

Conditions of Approval

The following conditions of approval (COAs) are to clarify Design Criteria and/or to cover necessary COAs that were not included as design criteria.

1. Quality Assurance/Quality Control (QA/QC) inspector(s) will monitor the project work on the Monument. The monitoring schedule will be approximately as follows. QA/QC inspectors will attend the primary kick-off meeting, they will be present for the beginning of field work on the Monument, they will conduct random inspections of the work on the Monument, and they will be present for the completion of the project. The total time QA/QC inspectors will be on the project will be range from 25 to 40 percent of the total project time, as needed.
2. All employees of the applicant, any subcontractors, and all survey crew members will be informed by the applicant before commencement of the seismic survey that any disturbance to, defacement of, or removal of archaeological, historical, or sacred material will not be permitted, and violation of the laws that protect these resources will be treated as law enforcement/ administrative issues. The permitted archaeological consultants will conduct “tail-gate” sessions (informal field sessions) when feasible. This will emphasize to subcontractors and all field personnel the sensitivity of cultural resources and their statutory responsibilities when operating on federal lands. New employees hired during the course of the project must get the same briefings prior to beginning work in the field. Applicants will be held accountable for the conduct of their employees and subcontractors in this regard.
3. In partial fulfilment of COA #2, above, all seismic project personnel who will work on the Canyons of the Ancients Monument are required to report to the Anasazi Heritage Center at 27501 Highway 184, Dolores Colorado for a cultural-resource orientation presented by a BLM Law Enforcement Officer and/or Anasazi Heritage Center staff. The orientation must occur before personnel are allowed to work on the Monument. The orientation will include a brief explanation of the federal laws regarding cultural resources and a mandatory viewing of two cultural resource information videos: “Visit with Respect” and “The Cultural Heritage of the Great Sage Plain”. The total video time is about ½ hour. During this visit, Kinder Morgan and its contracting companies should also allow time for the project personnel to visit the Anasazi Heritage Center Museum and other displays. Kinder Morgan, companies, and project personnel should plan that the orientation visit will take a total of approximately 1½-hours.
4. To clarify Design Criteria #6, above: As stated, helicopters will not fly over the two no-entry areas. Additionally, no receivers would be placed within the two no-entry areas. The no-entry areas are Sand Canyon Pueblo (BLM) and the Goodman Point Unit of Hovenweep National Monument (National Park Service). **Note: these areas need to be defined clearly both by GPS coverage and by a more detailed map than was provided with the Notice of Intent (NOI).**
5. The following wildlife COAs are included to clarify and expand upon Design Criteria Numbers 9 and 10, above.
 - a. **Raptors – General:** If a raptor nest is discovered at any time during project implementation, a BLM biologist is to be notified immediately of the location.
 - b. **Golden Eagle – ½-mile buffer from February 1 through July 15.**
 - Open to all receiver placement and retrieval work, including helicopter support, until February 1st.
 - From February 1 through July 15:
 - No helicopter activity within ½-mile of identified nests.

- Receivers can be placed or retrieved on foot to within a ¼-mile buffer around nests.
 - No activity – no receiver placement, retrieval, nor foot traffic within the ¼-mile buffer around the nests.
 - If receivers are stranded inside the ¼-mile buffer after February 1, retrieval will have to be delayed until after July 15th.
- c. **Peregrine Falcon – ½-mile buffer from March 15th through July 31st.**
- Open to all receiver placement and retrieval work, including helicopter support, until March 15th.
 - From March 15 through July 31:
 - No helicopter activity within ½-mile of identified nests.
 - Receivers can be placed or retrieved on foot to within a ¼-mile buffer around nests.
 - No activity – no receiver placement, retrieval, nor foot traffic within the ¼-mile buffer around the nests.
 - If receivers are stranded inside the ¼-mile buffer after March 15th, retrieval will have to be delayed until after July 31st.
- d. **Red-tailed, Cooper’s, and Sharp-shinned Hawks – ½-mile buffer from March 15 through July 31.**
- Open to all receiver placement and retrieval work, including helicopter support, until March 15th.
 - From March 15 through July 31:
 - No helicopter activity within ½-mile of identified nests.
 - Receivers can be placed or retrieved on foot to within a ¼-mile buffer around nests.
 - No activity – no receiver placement, retrieval, nor foot traffic within the ¼-mile buffer around the nests.
 - If receivers are stranded inside the ¼-mile buffer after March 15th, retrieval will have to be delayed until after July 31st.
- e. **Mexican Spotted Owl (MSO) Potential Habitat Timing Restrictions - MSO habitat within BLM (Canyons of the Ancients) boundaries – March 1 through August 31st.**
- Open to all receiver placement and retrieval work, including helicopter support, until March 1st.
 - From March 1 through August 31:
 - No helicopter activity within mapped MSO habitat on BLM lands.
 - To attempt to obtain permission to do foot-only placement or retrieval of receivers (no helicopter support within the MSO habitat), BLM will conduct an informal consultation with the US Fish & Wildlife Service (USFWS) to get concurrence.

- If USFWS does not concur, all activity, including foot traffic must end prior to March 1st.
 - In that case, if receivers are stranded inside the MSO habitat area after March 1st, retrieval will have to be delayed until after August 31st.