

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2012-0038CX**

September 2012

SourceGas – Gas Pipeline

*Location: approximately 2 ½ miles northwest of Colona
Montrose County, Colorado*

**U.S. Department of the Interior
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



**U.S. Department of the Interior
Bureau of Land Management
2465 South Townsend Avenue
Uncompahgre Field Office
Montrose, CO, 81401**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2012-0038 CX

CASEFILE: COC-75659

PROJECT NAME: Gas Pipeline ROW

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: New Mexico Principal Meridian, Colorado,
T. 47 N., R. 9 W., Section 2, Lot 12.

APPLICANT: SourceGas

DESCRIPTION OF PROPOSED ACTION:

The proposed action is to issue a right-of-way to SourceGas to construct, operate and maintain a gas pipeline. The project is located approximately 2 ½ miles northwest of Colona.

A 2-inch diameter gas pipeline would be buried 4 feet west of the pavement along Horsefly County Road. The pipeline right-of-way will be 560 feet long and 15 feet wide, (5 feet east of centerline and 10 feet west of centerline of the pipeline). Toward the southern end of the BLM parcel a short spur pipeline will provide gas service to private property. The spur would be buried in the gravel driveway (right-of-way COC-42647) and the right-of-way would be 30 feet long and 15 feet wide. Immediately southwest of the intersection of Government Springs and Horsefly County Roads, an additional area being 20 feet by 20 feet would be authorized to provide additional construction space for SourceGas to tie into their existing gas distribution line (COC-68606). Since the additional area would be needed for future maintenance of the pipeline, it will be included in the permanent right-of-way. The entire project will be 0.212 acres on public land and will be contained within existing rights-of-way (county roads, access driveway and existing gas pipeline).

The right-of-way will be issued under the Mineral Leasing Act (MLA) for 30 years with the right of renewal. The grant will be subject to rent and the attached stipulations (Exhibit A).

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Uncompahgre Basin Resource Management Unit

Date Approved: July 1989

Decision Number/Page: MU-16, General Land Uses, page 156

Decision Language: No single resource or resource use would have management priority. Lands cases would be analyzed and processed on a case-by-case basis. The 40-acre parcel is identified as a potential disposal tract.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E(12) which allows for grants of right-of-way wholly within the boundaries of other compatibly developed rights-of way. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	<u> X </u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; 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.	_____	<u> X </u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	<u> X </u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	<u> X </u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	<u> X </u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	<u> X </u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	<u> X </u>
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	<u> X </u>
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	<u> X </u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.	_____	<u> X </u>
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	_____	<u> X </u>
12. Significantly, 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

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Linda Reed	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural, Native American Religious Concerns
Ken Holsinger	Biologist	T&E and Migratory Birds
Alan Kraus	Hazmat Coordinator	Solid and Hazardous Wastes

REMARKS:

Cultural Resources: The entire project will be contained within previously disturbed surface associated with the county road ROW. In addition, the area has been inventoried at a Class III level with negative results (Scott 1976). The project is exempted from additional cultural resource inventory under the provisions of 8110.23B2 and 8110.23B3, and no further work is required.

Native American Religious Concerns: There are none known or anticipated for this project.

Threatened, Endangered Species, and Sensitive & Migratory Birds: All activities will be confined between the area west of Horsefly Road and the ephemeral channel just on private lands. The same portion of BLM land also has two gravel access driveways and two houses within less than 100 feet of the public land boundary where the proposed line would be placed. As such the area identified is in a state of constant disturbance from traffic on Horsefly Road, the driveways, and the two home sites. Therefore, the area of disturbance does not currently offer particularly good habitat quality for sensitive species, or species of conservation concern. Colorado Parks and Wildlife has documented both prairie dogs and burrowing owls on the Colona tract of the Billy Creek State Wildlife Area immediately south of the BLM parcel. The BLM parcel in question does not offer such habitats due to shallow soils and steep slopes. Field survey of the entire BLM parcel has confirmed that there are no current or historic prairie dog burrows present. Survey and monitoring for burrowing owls has been requested by Colorado Parks and Wildlife to ensure that if burrowing owls are present that they are adequately mitigated for during construction.

The area contains sensitive habitat for wintering Bald Eagles as well as for wintering elk and mule deer. Given that all activity should be completed before the onset of winter the proposed activity would have no impact on wintering Bald eagles or elk and mule deer when the area becomes seasonally important to these species. Otherwise no other federally listed or BLM sensitive species are known to inhabit or derive important use of the proposed project area.

NAME OF PREPARER: Linda Reed September 25, 2012

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 9/28/12

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number E(12). 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.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Barbara Sharrow
Barbara Sharrow,
Uncompahgre Field Office, Field Manager

DATE SIGNED: 10/1/12

COC-75659
Exhibit A

STIPULATIONS

1. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Linda Reed, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. 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 any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
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. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides 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/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's 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 authorized officer. The plan should be submitted no later than March 1st of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for noxious weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder 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 of 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 of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be removed from the public land and not scattered on site; unless the debris is mulched and used for reclamation as natural materials to enhance surface stability and re-vegetation efforts.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.

13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment.
14. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the pipeline construction, operation, and maintenance. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall re-contour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
15. The holder shall obtain and comply with all County, State and Federal permit requirements, regulations and resolutions, including but not limited to obtaining a permit from Montrose County for work to be done within their county road right-of-way
16. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags. Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company’s seed test. Seed test documents can be from: a) certified “blue” tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used. The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

<u>Seed Mix</u>	<u>Pounds/acre PLS</u>
Western Wheatgrass	4
Indian Ricegrass or Bottlebrush squirreltail	4
Total	8 lbs/acre PLS

17. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring,

topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

18. Mitigation measures per the BLM wildlife biologist:

- **BIG GAME CRUCIAL WINTER RANGE**
Should construction or maintenance activity need to continue beyond December 1 of any given year, big game winter timing restrictions would need to be evaluated and possibly applied.
- **BALD EAGLE WINTER FORAGING RANGE**
To minimize impacts on wintering Bald Eagles, it is recommended that no surface disturbing activities shall occur from December 1 through April 30.
- **MIGRATORY BIRDS:** All activity would occur outside of the breeding season as well as the primary migration period therefore there are no anticipated impacts to species of birds of conservation concern. To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.
- **REPTILES/ AMPHIBIANS**
To the extent possible, observed reptiles or amphibians will be avoided by treatment activities and will not be intentionally harmed. Additionally, to the extent possible, project activities will avoid disturbing known or potential hibernacula. Any incidental observations of reptile or amphibian or sign during biological surveys will be documented in the project case file(s), and mitigation measures will be applied as necessary.

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2012-0038 CX)

PROJECT NAME: Gas Pipeline

DECISION: It is my decision to issue a right-of-way to SourceGas to construct, operate and maintain a 2-inch diameter gas pipeline that will be buried within the Horsefly County Road right-of-way. The pipeline right-of-way will be 560 feet long and 15 feet wide, (5 feet east of centerline and 10 feet west of centerline of the pipeline). Near the southern end of the project a short spur pipeline will provide gas service to the Dowden's property; it will be buried within their gravel driveway and the right-of-way will be 30 feet long and 15 feet wide. Immediately southwest of the intersection of Government Springs and Horsefly county roads, an additional area being 20 feet by 20 feet will be authorized to allow SourceGas to tie into their existing gas distribution line. The additional area will be needed for future maintenance and will be included in the permanent right-of-way. The entire project is 0.212 acres on public land and will be contained within existing rights-of-way (county roads, access driveway and existing gas pipeline). The right-of-way will be issued under the Mineral Leasing Act (MLA) for 30 years with the right of renewal. The grant will be subject to rent and the attached stipulations (Exhibit A).

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the Categorical Exclusion (CX) will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(12). 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.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed CX will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE 9/28/12

SIGNATURE OF AUTHORIZED OFFICIAL /s/ Barbara Sharrow
Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 10/1/12