

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2010-0237-DNA

CASEFILE/PROJECT NUMBER: COC74585 – RBC 76
COC 73970 - access road

PROJECT NAME: Improvement to RBC Rd 76 and BLM roads,

LEGAL DESCRIPTION: Sixth Principal Meridian

T. 2 S., R. 96 W.,
sec. 8, lots 6, 11, 13, and 14;
sec. 17, lot 4;
sec. 18, lots 5 to 10, inclusive;
T. 2 S., R. 97 W.,
sec. 13, lots 1 and 2, inclusive.

} RBC 76

T. 2 S., R. 97 W.,
sec. 2, SE¹/₄NW¹/₄, E¹/₂SW¹/₄, and SW¹/₄SE¹/₄;
sec. 11, NE¹/₄ and S¹/₂NW¹/₄;
sec. 12, SW¹/₄NW¹/₄, N¹/₂SW¹/₄, and SE¹/₄SW¹/₄;
sec. 13, lots 2 and 3, inclusive.

} access road

APPLICANT: Exxon Mobil Corp. and Rio Blanco County (RBC)

ISSUES AND CONCERNS: Rio Blanco County Road 76 is the main access to energy development on the west side of Magnolia and RBC Road 3. Use of other access roads has been discouraged by the BLM. Upgrades would have short and long-term impacts on dust generation, erosion, and safety and could affect vegetation and public access.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Background/Introduction: ExxonMobil Corporation (Exxon) manages portions of existing Rio Blanco County 76 under an agreement with Rio Blanco County. Exxon also holds right-of-way grant COC73970 and additional field access roads. Rio Blanco County has designated part of the proposed upgrade as County Road 76. The grandfathered (unofficial) county road width is 60 feet, but there is no right-of-way grant on record. Rio Blanco County has submitted an application for a FLPMA right-of-way (serialized as COC74585) for this segment of County Road 76 and has requested an 80 foot right-of-way. The original Freedom Unit access road

(ROW COC73970) was issued for 40 feet wide, and it continues west beyond the point at which county maintenance of County Road 76 ends.

Proposed Action: ExxonMobil proposes to refurbish approximately 5.8 miles of existing roadway as shown on Exhibit A. The proposed travel width would be 24 feet with 2 foot shoulders and variable slopes as needed for existing slope and erosion control features. No new roadway (route) would be constructed. The Plan of Development (POD), which is available in the casefile for review, provides detailed schematics of cattleguards, wire fence and gates, delineator placement, wing ditches, concrete barriers to protect culverts, and Best Management Practices (BMPs) developed in the Stormwater Management Plan.

The POD includes:

- Surveying and engineering, including determining the need and location of culverts and other drainage features. (completed)
- Establishing traffic control measures in order to keep one lane open at all times during construction.
- Installing culverts and drainage turnouts to drain water under and away from the roadway.
- Installing storm water management and BMPs at culverts and other drainage features
- Rebuilding ditches to divert storm water flows.
- Constructing back-slopes to aid in drainage, snow removal, and erosion control.
- Relocating one cattleguard and install one additional cattle guard.
- Importing sufficient road base material and re-establish strong sub-grade.
- Utilizing dust control measures during construction.
- Importing sufficient aggregate to reshape the finished driving surface.
- Regrading road with crown or cross-section sloped to the ditches.

LAND USE PLAN (LUP) 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: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Number/Page: Page 2-49

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values.”

REVIEW OF EXISTING NEPA DOCUMENTS:

Name of Document: Piceance Development Project CO-110-2005-219-EA

Date Approved: April 23, 2007

NEPA ADEQUACY CRITERIA:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes. The Proposed Action to upgrade the existing access road is essentially similar to, and is within the same analysis area as, the existing NEPA document CO-110-2005-219-EA.

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

Documentation of answer and explanation: Two alternatives (Proposed Action and the No Action Alternative) covering a reasonable range of alternatives was analyzed in CO-110-2005-219-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: Yes. The right-of-way COC-73970 was granted 06/15/2010 for a width of 40 feet and a length of 22,600 feet for the purpose of accessing Freedom Unit wells from County Road 76. The analysis in the existing NEPA document CO-110-2005-219-EA is still valid. It is not expected that new information or circumstances would substantially change the analysis of the new proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes. The direct and indirect impacts of the proposed action remains unchanged from those identified in the existing NEPA document CO-110-2005-219-EA.

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

Documentation of answer and explanation: Yes. The public involvement and interagency review associated with the existing NEPA document CO-110-2005-219-EA is adequate for the current proposal to upgrade the existing access road from the end of County Road 76 to the Freedom Unit wells.

INTERDISCIPLINARY REVIEW: The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on 08/24/2010. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: The upgrades to RBC 76 proposed by ExxonMobil have been inventoried at the Class III (100% pedestrian) by portions of eight projects (Brogan 2006 Compliance Dated 3/13/2006, Brogan and Metcalf 2005 Compliance Dated 12/9/2005, Camp 2010 Compliance Dated 5/27/2010, Graham 1999 Compliance Dated 7/23/1999, Hauck 2001b Compliance Dated 6/11/2001, Metcalf 2005 Compliance Dated 10/21/2005, O'Brien 2006a Compliance Dated 7/12/2006, Williams 2011 Compliance Dated 5/2/2011) with no cultural resources identified in the project area. It is not likely that any cultural resources will be impacted by the proposed upgrades to the county road. (MRS 5/3/2011)

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 5/3/2011)

Paleontological Resources: The proposed road upgrades are located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM, WRFO has classified as a PFYC 4/5 formation meaning it is known to produce scientifically Noteworthy fossil resources (Armstrong and Wolny 1989, c.f. Bilbey et al 2011). If it should become necessary to excavate into the underlying native sedimentary stone there is a potential to impact noteworthy fossil resources. Such an impact to the data base could be serious if not mitigated during the discovery of the fossil remains. (MRS 5/3/2011)

Threatened and Endangered Wildlife Species: There are no wildlife-related issues or concerns associated with the proposed action. (LRB 11/16/10)

Special Status Plant Species: The eastern portion of the proposed road improvement area was thoroughly surveyed for special status plant species by Hayden-Wing Associates during the 2010 blooming season as part of the ExxonMobil PCU 197-36A well pad survey (HWA, 2010). No special status plant species or associated habitats were located in this survey area. While populations of threatened *Physaria* plants are known to exist in the Dudley Bluffs area, the

nearest occupied threatened plant habitat is located approximately 2km west of the proposed road improvement area. The road improvement project is expected to have no impact on special status plants or associated habitats. (JKS 10/08/10)

REFERENCES CITED:

Bilbey Sue Ann, Evan Hall, Quinn Hall, and Travis Estes

- 2011 Paleontological Final Monitoring Report: Exxon Mobil Corporation PCU 296-6B Location and Associated Pits, Township 2 South, Range 96 West, Section 6, Bureau of Land Management, Rio Blanco County, Colorado 29 March 2011. Uinta Paleontological Associates, Inc., Vernal, Utah. (11-115-23)

Brogan, John M.

- 2006 Exxon-Mobil Corporation's Proposed Piceance Tight Gas Project (Phase I) Class III Cultural Resources Inventory in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (06-54-02)

Brogan, John M., and Sally J. Metcalf

- 2005 Exxon-Mobil Corporation's Nine Proposed Gas Well locations and a Proposed Water Line, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (05-54-15)

Camp, Beth Ann

- 2010 ExxonMobil Corporation: A Class III Cultural Resources Inventory of the Proposed PCU 197-36A Flowline Alignment and PCU T78X-12TG Well Pad Expansion and Access in Rio Blanco County, Colorado. Metcalf Archaeological Consultants Inc., Grand Junction, Colorado. (10-54-02)

Graham, Carole

- 1999 Cultural Resource Inventory of T17X-12G, T42-13G, T76X-13G, T71-14G, and T57-17G, five Proposed Mobile (sic) Oil Well Locations in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (99-54-04)

Hauck, F. Richard

- 2001a Addendum to: Cultural Resource Evaluations of 14 Proposed Locations & A Compressor Site Location in the Magnolia Ridge Locality of Rio Blanco County, Colorado. Archeological-Environmental Research Corporation, Bountiful Utah. (01-38-04)

- 2001b Cultural Resource Evaluation of Proposed Well Locations & Pipeline Corridors in the Magnolia Locality of Rio Blanco County, Colorado. Archeological-Environmental Research Corporation, Bountiful, Utah. (01-38-06)

Metcalf, Sally J.

- 2005 Exxon-Mobil Corporation's Proposed Drill Pads T75X-3g, T35X-2G, PCU 297-11B, PCU 297-10A and PCU 297-15A, Class III Cultural Resources Inventory, Rio Blanco County, Colorado. (05-54-12)

O'Brien, Patrick K.

1994 Mobil Oil Corporation Proposed Piceance Creek #T11-18G Well Location: Class Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Eagle, Colorado. (94-54-10)

2006a Exxon-Mobil Corporation: Class III Cultural Resource Inventory for Seven Proposed Well, Access, and Pipeline Developments in the Freedom and Piceance Creek units, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (06-54-13)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

Williams, Garrett

2011 ExxonMobil Corporation: A Class III Cultural Resource Inventory of Proposed County Road 76 Improvements in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Grand Junction, Colorado. (11-54-03)

MITIGATION:

1. The operator is responsible for informing all persons who are associated with the project 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 uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). 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 site can be used (assuming in situ preservation is not necessary)
- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

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 cost. 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.

2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, 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.

3. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

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 cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

4. If it becomes necessary to excavate into the underlying rock formations to place cattle guards or culverts a paleontological monitor shall be present before such excavations begin and remain until excavations have been completed.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Jeanne E. Newman

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 06/02/2011

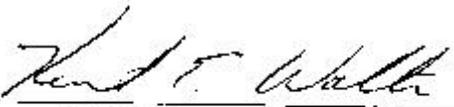
ATTACHMENTS:

Exhibit A – Proposed Road Upgrade within the Piceance Development Project

CONCLUSION

DOI-BLM-CO-110-2010-0237-DNA

Based on the review documented above, I conclude that this proposal in consort with the applied mitigation conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL: 
Field Manager

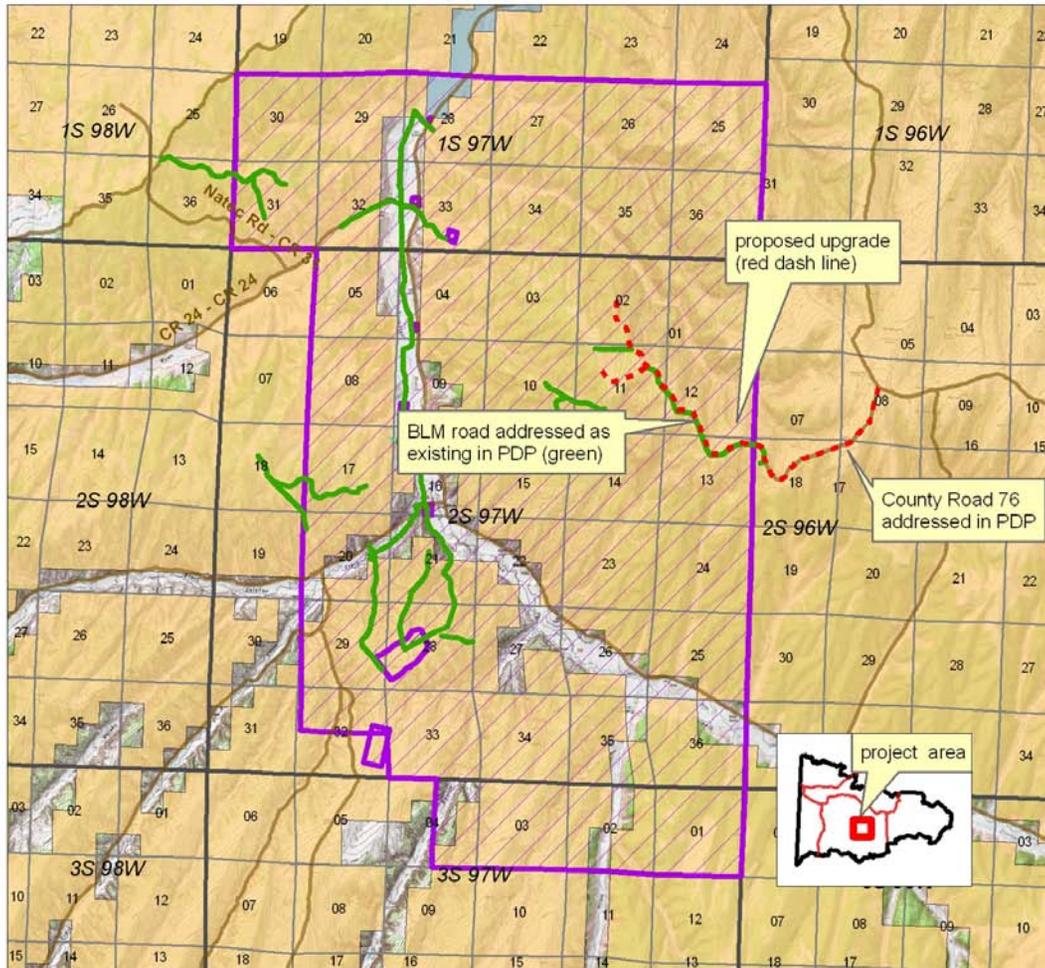
DATE SIGNED: 06/13/11

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



PROPOSED ROAD UPGRADE WITHIN PICEANCE DEVELOPMENT PROJECT

EXHIBIT A-area



Sixth Principal Meridian
T.2S.,R.96W.
T.2S.,R.98W.

- County
- State
- Projects: polygon
- <all other values>
- LEASE_NUM
- CO-110-05-219-EA
- PLSS_Townships_GCDB2008
- PLSS_Sections_GCDB2008
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA



2/2011 LLJ