

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

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2010-0223-CX

CASEFILE/PROJECT NUMBER: COC29366

PROJECT NAME: Pipeline ROW Renewal

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 2 N., R. 103 W., sec. 7;
T. 4 S., R. 103 W., sec. 18, 19, 30, and 31;
T. 5 S., R. 103 W., sec. 6, 8, 16, 21, 28, 33, and 34;
T. 6 S., R. 103 W., sec. 7 and 18;
T. 2 N., R. 104 W., sec. 1, 2, 12, 13, 14, 23, 26, and 27;
T. 3 N., R. 104 W., sec. 34 and 35;
T. 3 S., R. 104 W., sec. 27, 34, and 35;
T. 4 S., R. 104 W., sec. 2, 11, 12, and 13;
T. 6 S., R. 104 W., sec. 13, 24, 26, and 35;
T. 7 S., R. 104 W., sec. 3, 10, 23, 26, 27, and 34;
T. 8 S., R. 104 W., sec. 3, 10, 15, 22, 27, and 34;
T. 9 S., R. 104 W., sec. 3, 10, 15, 21, 22, 28, 29, and 32;
T. 10 S., R. 104 W., sec. 5, 6, and 7.

New Mexico Principal Meridian, Colorado

T. 36 N., R. 13 W., sec. 20;
T. 36 N., R. 14 W., sec. 9 and 10.

APPLICANT: Mid-America Pipeline, Corporation

DESCRIPTION OF PROPOSED ACTION: Mid-America Pipeline, Corporation requests renewal of the 10-inch pipeline authorized in right-of-way (ROW) COC29366 for a 30 year term. Mid-America Pipeline, Corporation will comply with the stipulations and conditions in the original grant and no additional facilities or disturbance will be associated with the renewal. The pipeline ROW is a buried liquid hydrocarbon pipeline from Wyoming to Texas. The White River Field Office is the lead for ROW COC29366 with coordination of the renewal with the Grand Junction Field Office and the Dolores Field Office.

The ROW grant was issued on August 15, 1980, for approximately 44 miles of pipeline with a width of 50 feet, encompassing 266.75 acres, more or less. Any future disturbances would require additional analysis and would be an amendment to the existing authorization. ROW COC29366 would be renewed with the terms, conditions, and stipulations of the original grant dated August 15, 1980, being carried forward and remaining in full force and effect. Upon renewal, the new expiration date would be December 31, 2039.

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

Date Approved: July 1, 1997

Decision Number/Page: Pages 2-49 thru 2-52

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.”

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number (E-9). *Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.*

The proposed action has been reviewed with the list of extraordinary circumstances described in the table below. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exception	YES	NO
1. Have significant adverse effects on public health and safety.		X
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.		X
3. Have highly controversial environmental effects or involve		X

Exception	YES	NO
unresolved conflicts concerning alternative uses of available resources.		
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. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.		X
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.		X
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.		X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.		X
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.		X
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:

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on July 27, 2010.
Date

A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: There will be no new ground disturbance associated with the renewal of the ROW. Public land portions of the route were inventoried and in some cases monitored during construction in 1980 and 1981 by various companies. No new impacts to cultural resources are expected. (MRS 8/3/2010)

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 7/29/2010)

Paleontological Resource: Paleontological resources were not considered during the original environmental analysis of the pipeline. However, the pipeline route does cross significant fossil bearing formations, particularly where it is on the north side of Raven Ridge, in the ACEC. Since there is no new ground disturbance associated with the renewal there will be no new impacts to fossil resources associated with the renewal. Paleontological analysis and possibly mitigation may be required on any future ground disturbing actions associated with the pipeline. (MRS 8/3/2010)

Threatened and Endangered Wildlife Species: No wildlife-related issues or concerns. (EH 7/30/2010)

Special Status Plant Species: The Mid-America Pipeline, Corp. ROW is located in an area known to support a number of BLM Sensitive plant species. These species include *Cryptantha rollinsii*, *Eriogonum ephedroides*, *Parthenium ligulatum*, *Astragalus duchesnensis*, *Penstemon grahamii*, and *Cryptantha caespitosa*. The pipeline ROW also bisects the Raven Ridge Area of Critical Environmental Concern, which was designated because of its biologically diverse plant communities.

The proposed action will result in no new surface disturbance and thus is expected to have no effect on special status plant species. Any additional facilities or disturbance associated with this ROW will require separate NEPA analysis and a full botanical inventory in blooming season to 100 meters from disturbance for the BLM Sensitive species listed above. (JKS 8/3/2010)

MITIGATION: All previously authorized stipulations for the right-of-way grant associated with the requested renewal shall remain in full force and effect in addition to these Amended Stipulations:

1. The holder shall submit an application for analysis and approval for any new, additional construction or disturbance. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. All requests must be made to the authorized officer, who will review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Any additional facilities or disturbance associated with this ROW will require separate NEPA analysis and a full botanical inventory in blooming season to 100 meters from disturbance for BLM Sensitive species. Additional measures may be required to protect special status species or other resources.
2. 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. The 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 shall 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.
3. Pursuant to 43 CFR 10.4(g) the holder 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), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
4. On the right-of-way, the holder shall monitor and control those noxious weeds that may occur or be found. If chemical control is necessary, 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 Bureau of Land Management. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, the 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. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
5. At least 90 days 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. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

6. The holder shall be responsible for compliance with local and state regulations and obtaining applicable permits.
7. The holder of the ROW grant shall not convey, assign or otherwise transfer, in whole or in part, without prior written approval by an authorized officer.
8. The holder of the ROW grant shall notify the authorized officer of any changes in the holder's status, such as changes in legal mailing address, financial condition, business or corporate status, and alien ownership.
9. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. 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 or 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 or State government.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by White River Field Office staff. Specific mitigation developed in the associated Categorical Exclusion and brought forward from the original grant will be followed.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Kristin Bowen

DATE: 11/2/2010

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve 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 12 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:



Field Manager

DATE SIGNED: 11/2/2010

ATTACHMENTS: Exhibit A –Maps of the proposed action

COC29366 ROW Renewal

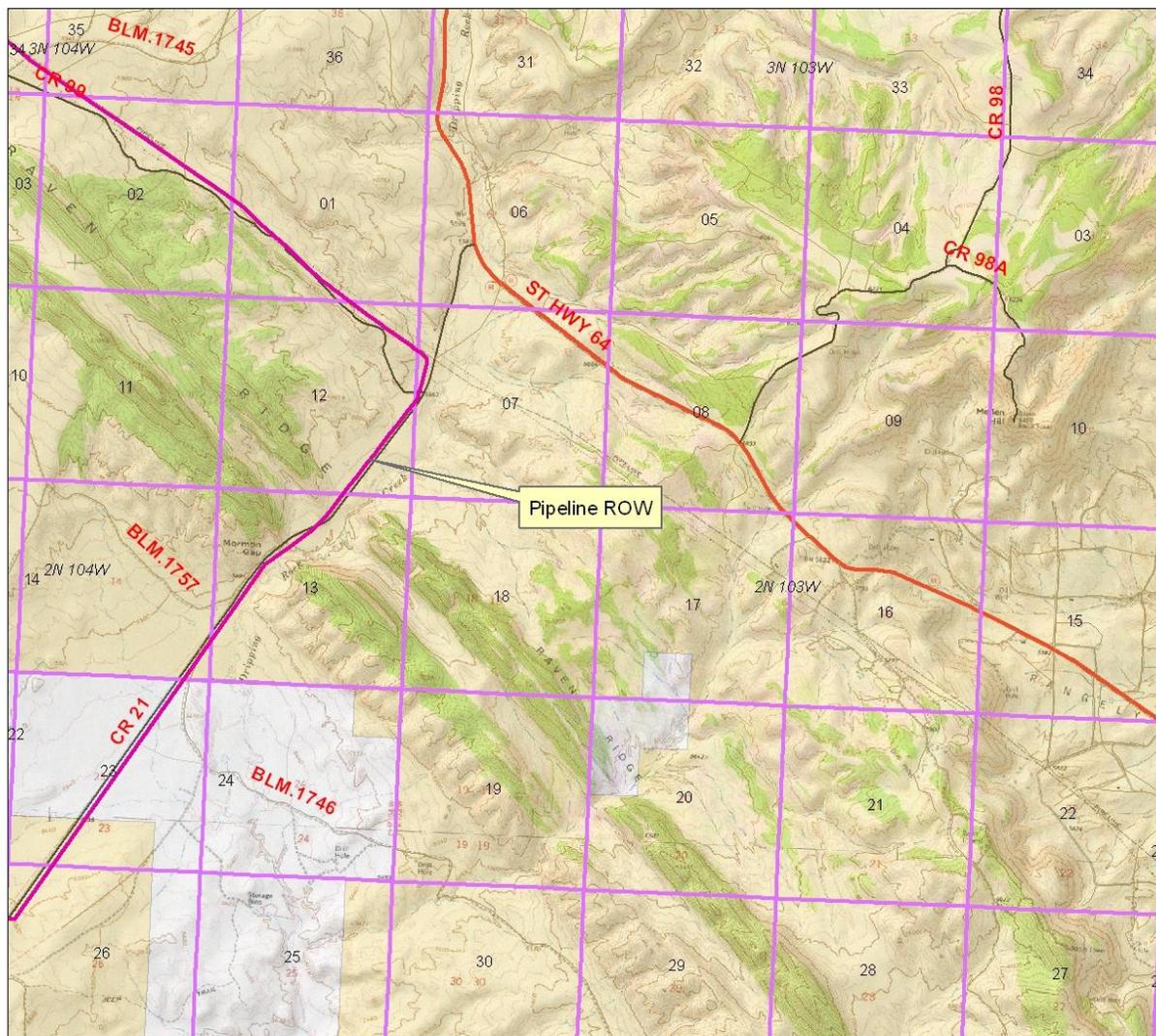


EXHIBIT A
COC29366 Renewal

- PLS_S_Sections_9CDB2008
- FieldOffice_Boundary_WRFO
- PLS_S_Township_9CDB2008
- BLM
- CDW
- County
- FDR
- NPS
- PRI
- STA
- State
- County
- BLM
- USFS
- NPS
- Other

0 1,400 2,800 5,600 8,400 Feet

Sources:
BLM, USGS, CDOW, etc.

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COC29366 ROW Renewal

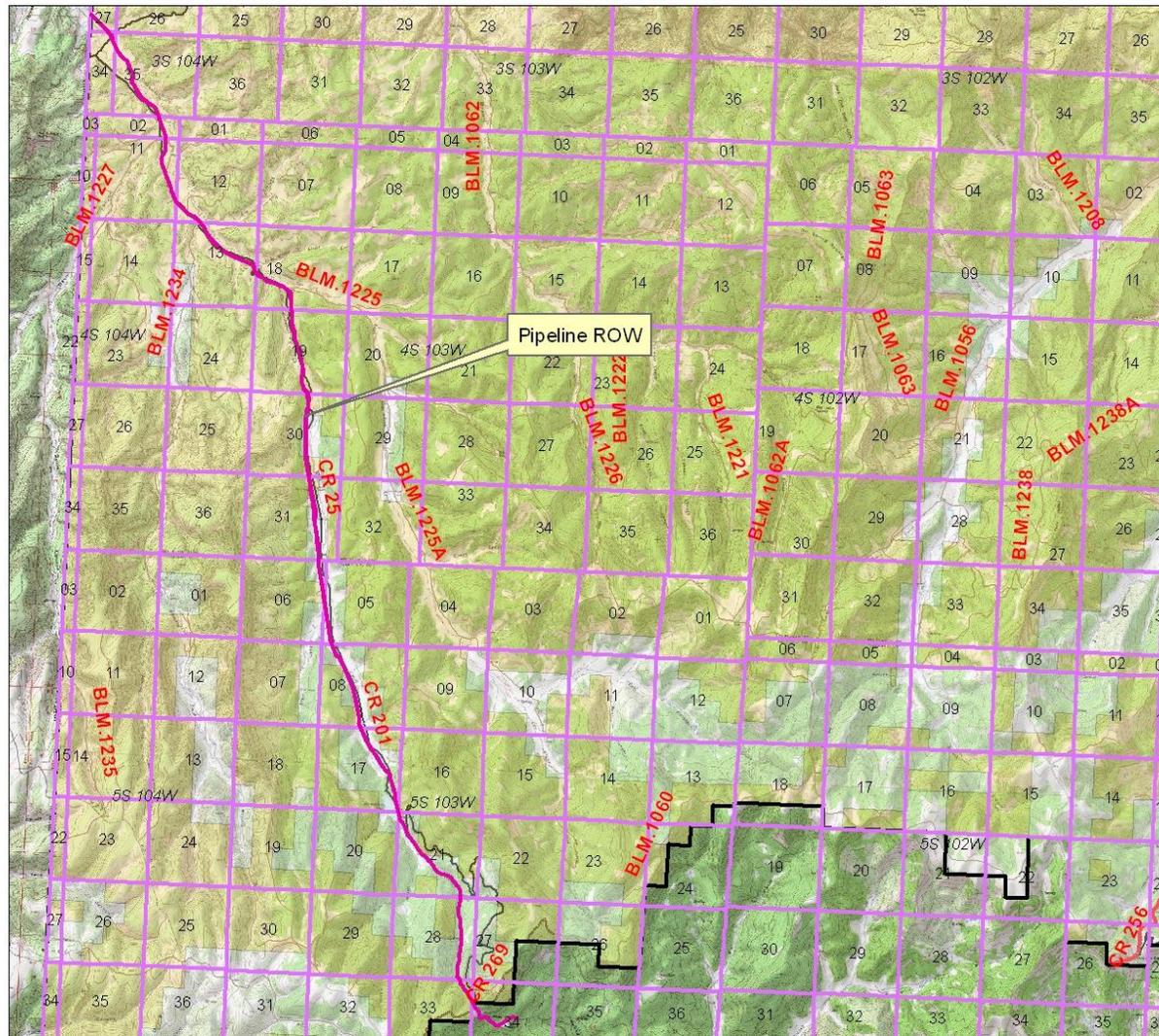


EXHIBIT A
COC29366 Renewal

- PLSS_Section_0CD62008
- FieldOffice_Boundary_WRFO
- PLSS_Townships_0CD62008
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA
- State
- County
- BLM
- USFS
- NPS
- Other

0 3,200 6,400 12,800 19,200 Feet

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