

**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-110-2011-0041-CX

CASEFILE/PROJECT NUMBER: Pipelines: COC 74131, 49116, 58127, 58442, 70192,  
20507A, 74135, 24022, 74136, 74137;  
Roads: COC54944, 74132, 61285, 74133, 61014.

PROJECT NAME: Partial Assignments between Wilgath LLC and Exxon Mobil Corp

LEGAL DESCRIPTION: Sixth Principal Meridian,  
T, 2S., R 97W.,  
secs. 19, 30, 31,  
T, 2S., R 98W.,  
secs. 11, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25,  
26, 27, 28, 29, 30, 32, 33, 34, 35, 36,  
T, 3S., R 97W.,  
secs. 6, 7,  
T, 3S., R97 W.,  
secs. 1, 2, 3, 7, 9, 10, 11, 12, 15, 16, 18, 33.

APPLICANT: Wilgath, LLC

DESCRIPTION OF PROPOSED ACTION: BLM has received an application for the assignment of 9 percent interest in 15 rights-of-way (ROWs). Wilgath LLC. (Wilgath), a subsidiary of Williams Production RMT Company, currently holds 51 percent of these authorizations and Exxon Mobil Corporation (Exxon) holds the remaining 49 percent. By this action, 9 percent of the Exxon holding will be transferred to Wilgath, resulting in a 40 percent Exxon/60 percent Wilgath ownership. The legal description of each grant and its purpose is listed in the attached Exhibit A and a general location map is attached as Exhibit A-1.

No new construction will be authorized by this action. If any surface disturbance is proposed, the holders shall submit appropriate application for analysis and authorization. Right-of-way COC70321 was listed in the application but is a closed Temporary Extra Work Area and thus will not be included. Wilgath will continue to operate the ROWs. Both parties agree to be bound by the terms, conditions, and stipulations of the right-of-way grants. Standard stipulations for all grants are attached as Exhibit B.

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: 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.”

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, (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 43 CFR 46.215, apply.

<b>Exception</b>	<b>YES</b>	<b>NO</b>
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts 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
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X

Exception	YES	NO
h) Have significant impacts 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
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) 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 January 4, 2011. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

*Cultural Resources:* As this project will result in no new surface disturbance and no significant change to the current land use or management, the proposed action has no potential to significantly affect cultural resources. Entities with ownership or interest in this system of ROWs should be aware, however, that portions of some appear to have not been inventoried for cultural resources, and other portions have likely not been inventoried to current standards. Pre-existing inventory coverage should not be assumed for future surface-disturbing activities associated with these ROWs. (GH 1/10/2011)

*Native American Religious Concerns:* Letters requesting government-to-government consultation regarding a list of planned 2010 WRFO projects and EAs were sent on 1/27/2010 to the Ute Mountain Ute Tribe, the Southern Ute Tribe, the Ute Tribe of the Uintah & Ouray Reservation, and the Eastern Shoshone Tribe, with follow-up phone calls on 3/15/2010 and a link to an online, updated EA/EIS list mailed on 8/20/2010. Currently, no Native American Religious Concerns or Traditional Cultural Properties (TCPs) are known in or near the project area. Should future consultations with tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. As the project will not result in new construction, there will be no potential for new impacts to any unreported TCPs or areas of religious importance. (GLH 1/10/2011)

*Threatened and Endangered Wildlife Species:* No wildlife-related issues or concerns. (EH 1/4/2011)

*Threatened and Endangered Plant Species:* This assignment is an administrative action only and has no potential to impact threatened and/or endangered plant species. (MT 1/4/2011)

MITIGATION: None.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by White River Field Office staff during construction, operation, maintenance, and reclamation of the project. The terms and conditions of the original associated grants will be followed.

NAME OF PREPARER: Linda Jones

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

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:

  
Acting Field Manager

DATE SIGNED:

April 7, 2011

ATTACHMENTS:

Exhibit A – Legal Description

Exhibit A-1 – Map

Exhibit B – Stipulations

## EXHIBIT A

Attached to Assignment of Federal Rights-of-Way dated effective  
January 1, 2010 between Exxon Mobil Corporation and Wilgath LLC  
Rio Blanco County, Colorado

<u>Serial No.</u>	<u>Type</u>	<u>Across the following Legal Description</u>
COC 074131 (Segregated from COC 040605)	Right-of-way for gathering pipeline of 2 and 3 inch laterals with 2 above-ground risers to connect to the Fawn Creek Gathering System, 3.4 miles, 35 feet wide	T3S R97W Sec 7: Lots 1, 2, 3, SENW, S2NE T3S R98W Sec 1: SWSE, SESW, N2SW Sec 2: N2SE Sec 12: N2NE
COC 049116	Right-of-way for 3 inch pipeline, 3,982.5 feet long, 30 feet wide	T2S R97W Sec 19: Lots 1-3
COC 054944	Road right-of-way, 2.5 mile long, 20 feet wide, for road access to Govt Patterson 14-1, Govt Prewitt 23-2, Govt 23-1 wells	T2S R98W Sec 11: SWSE Sec 14: Lots 2, 7, W2SE Sec 23: NESE, W2NE, SENE, E2NW, SWNW, N2SW Sec 24: NWSW
COC 074132 (Segregated from COC 055123)	Road right-of-way, 91,400 feet long, 30 feet wide to 398-17-4	T2S R97W Sec 19: Lots 1-3 T2S R98W Sec 13: Lots 11, 12, S2SW Sec 14: SESE Sec 23: N2NE, E2NW, SWNW Sec 24: NENE Sec 26: SESE, E2W2, SWNW, W2SW Sec 34: SENE, E2W2, W2SW, NESE, S2SE Sec 35: NENE, SWNE, S2NW, W2NW T3S R98W Sec 3: SWNE, SENW, NESW, S2SW Sec 7: Lot 2, E2NW Sec 9: N2NE, SWNE, NESW, SWSW Sec 10: SENE, NWNW Sec 11: NWNE, N2NW, SWNW Sec 16: W2NW Sec 18: Lot 1
COC 058127	Right-of-way for 4 inch pipeline, 100 feet long, 30 feet wide for Federal 1-25	T2S R98W Sec 24: NESW

<u>Serial No.</u>	<u>Type</u>	<u>Across the following Legal Description</u>
COC 058442	Right-of-way for 3 inch pipeline, 1,600 feet long, 30 feet wide for Sulphur Creek 23-4	T2S R98W Sec 23: NWNE, NENW
COC 061285	Road right-of-way, 1,000 feet long, 30 feet wide for road access to well 4-2G	T3S R98W Sec 33: SENE, NESE
COC 070192	Right-of-Way for pipeline, 25,140 feet long, 35 feet wide (replaces expired COC-20507 & 20507 A & B)	T2S R98W Sec 26: SW Sec 27: SESE Sec 32: Lot 8 Sec 33: S2S2 Sec 34: NENE, NWNW Sec 35: NWNW
COC 020507A	Right-of-Way for pipeline, 3,500 feet long, 35 feet wide for 298-27-2	T2S R98W Sec 26: SW Sec 27: SESE Sec 34: NENE Sec 35: NWNW
COC 74133 (Segregated from COC 070713)	Road right-of-way, 36,267 feet long, 30 feet wide for road access to 297-30-2, 298-36-1, 398-11-1, 15-3, 16-2, 22-4, 297-31-2, 398-12-3	T2S R97W Sec 30: Lots 2, 3, 4 Sec 31: NESE T3S R97W Sec 6: Lots 1, 2, SWNE, E2SW Sec 7: Lots 2, 3, NWNW T2S R98W Sec 25: SESE Sec 36: N2NE, SENW T3S R98W Sec 2: Lot 1, S2NW, E2SW, NWSE Sec 10: NESE, S2SE Sec 11: NWNE, N2NW, SWNW Sec 15: W2NE, SENW, NESW, SWSW

<u>Serial No.</u>	<u>Type</u>	<u>Across the following Legal Description</u>
COC 074135 (Segregated from COC 070715)	Right-of-way for pipeline, 9,920 feet long, connecting pipeline S of Black Sulphur for 297-32-2, 397-18-2, 398-11-1, 398-22-4, PPLN 498-3-4	T2S R97W Sec 30: N2SW T3S R98W Sec 10: NESE Sec 15: SWSW
COC 024022	Right-of-way for pipeline, 19,615.03 feet long, of various width and diameter for Ryan Gulch extension Black Sulphur Gathering System, PPPL 298-22-5, 298-29-6, PPLN 299-36-2	T2S R98W Sec 19: SENE, NESE Sec 20: Lots 5, 6, 7 Sec 21: S2SW, N2SE, SESE Sec 22: S2N2, NWSW Sec 28: Lot 4 Sec 29: Lots 1, 2 Sec 31: Lots 9, 10
COC 061014	Road right-of-way, 16,805 feet long, 30 feet wide, for Fed 298 #29-4G, 298-22-4, 298-22-5, 298-29-6, 299-36-2	T2S R98W Sec 21: SESW, SW Sec 22: NWSW Sec 28: Lots 3, 4, 5 Sec 30: SENE, NESE, S2SE Sec 31: Lots 6, 9
COC 074136 (Segregated from COC 068206)	Right-of-way for pipeline, 39,597 feet long, varied in width for Ryan Gulch PPLN + plant, segment to 34-1, 34-2	T2S R98W Sec 18: S2SE
COC 074137 (Segregated from COC 069874)	Right-of-way for pipeline, 50,595 feet long, 30 feet wide for S lines of Riata (by merger now SandRidge) wells	T2S R98W Sec 19: NESE Sec 20: Lots 4, 5, 6, 7 Sec 28: Lots 4, 5, 6, 7, NESW, W2SE Sec 29: Lots 1, 2, 8, 10, 11, 12, 14 Sec 30: SESE Sec 31: Lots 6, 9, 10, 16 Sec 32: Lot 8, NWSE T3S R98W Sec 7: E2NW

<u>Serial No.</u>	<u>Type</u>	<u>Across the following Legal Description</u>
COC 070321 (CLOSED)	Temporary use permit, 50,595 feet long, 20 feet wide	T2S R98W Sec 19: NESE Sec 20: Lots 4, 5, 6, 7 Sec 28: Lots 4, 5, 6, 7, NESW, W2SE Sec 29: Lots 1, 2, 8, 10, 11, 12, 14 Sec 30: SESE Sec 31: Lots 6, 9, 10, 16 Sec 32: Lot 8, NWSE T3S R98W Sec 7: E2NW



## Exhibit B – Stipulations

1. Any proposal involving surface disturbance, such as replacement, maintenance, or expansion, requires an application to the BLM for analysis, and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies exist at the time of authorization.
2. The holder shall take such soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way as the United States representative in charge of such lands may request.
3. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species resulting from the proposed action. The applicant will be responsible for eradication of noxious weeds that occur as a result of the proposed action.
4. All authorized users of public lands are expected to know and comply with regulations governing the storage, handling, application (including licensing of applicators), and disposal of hazardous substances. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
5. 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.
6. 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.

7. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood, or collecting fossils for commercial purposes on public lands. If significant paleontological resources are discovered during surface disturbing actions or at any other time, the operator or any of his agents must stop work immediately at the site, immediately contact the appropriate BLM representative, typically the project inspector or Authorized Officer (AO), and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage.

The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Work may not resume at that location until approved by the official BLM representative.

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, significant delays may occur while the AO enacts mitigation procedures. The operator may elect to contract an approved paleontologist to execute site mitigations in order to expedite proceedings. 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.

8. As a reasonable and prudent right-of-way holder, acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the Bureau of Land Management's White River Field Office at (970) 878-3800.
9. As a reasonable and prudent right-of-way holder, acting in good faith, the holder will provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance's status as exempt or non-exempt. Where the holder fails, refuses or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the Bureau of Land Management's White River Field Office may take measures to clean-up and test air, water (surface and/or ground) and soils at the holder's expense. Such action will not relieve the holder of any liability or responsibility.
10. Prior to the abandonment of the lands authorized by this grant, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the holder commencing any abandonment and/or rehabilitation activities. The plan may include removal of drainage structures or surface material, recontouring, replacement of topsoil, seeding, mulching, etc.