

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-110-2012-0043-DNA

CASEFILE/PROJECT NUMBER: COC75343 and Amend COC73903

PROJECT NAME: Overhead Power Line To Pipeline Tap Facility

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 S., R. 97 W.,
sec. 28, SW¹/₄NE¹/₄.

APPLICANT: White River Electric Association, Inc. (WREA) and Bargath, LLC (Bargath)

DESCRIPTION OF PROPOSED ACTION: WREA proposes to construct a single-phase 14.4-kV overhead distribution power line to feed the electrical needs of Bargath's Ryan Gulch Enterprise Interconnect (see Exhibit A). Construction is planned for early March 2012 and will be completed before April 1, 2012.

Power Line: The power line would begin at an existing pole (39° 50' 51.32"N, 108° 17' 04.74"W) on WREA's existing 25-kV overhead power line. A guy wire would be installed on the existing power pole and would extend approximately 27 ft from the pole. The power line would be 387 feet long and two new 35 ft wooden poles would be installed. The first pole would be installed at 39° 50' 52.29"N, 108° 17' 03.20"W and the second pole would be on the end of the line at Bargath's tap facility (39° 50' 52.96"N, 108° 17' 00.22"W). A guy wire would be installed on the pole at the end of line and would extend approximately 27 ft from the pole. The power line right-of-way, including guy wires, would be 441 feet long, 25 feet wide, and contain approximately 0.25 acres. WREA would provide raptor protection for the power line and related facilities (i.e., transformer).

WREA would need to clear at least one tree for adequate clearance from the energized power line. Access to the power line would be along the existing pipeline right-of-way. Equipment to be used would be a 4-wheel drive two-ton digger truck and standard utility line trucks. Construction would take one day to complete.

Tap Facility: Bargath proposes to construct an 8 ft by 20 ft chromatograph building within pipeline ROW COC73903 (50 ft width) to tap into the adjacent Enterprise natural gas pipeline.

Decision to be Made: The BLM will decide whether or not to approve the power line ROW and pipeline tap facility, and if so, under what conditions.

PLAN CONFORMANCE REVIEW:

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.”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: CO-110-2007-051-EA and DOI-CO-110-2009-202-EA

Date Approved: 2/23/2007 and 6/21/2010

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? 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? If there are differences, can you explain why they are not substantial?

The Proposed Action is similar to the Proposed Action in the existing NEPA documents (CO-110-2007-051-EA and DOI-CO-110-2009-202-EA). The existing NEPA documents analyzed a power line and pipelines and this DNA analyzes an additional 441 feet of power line to serve a pipeline tap facility. The project is in the same analysis area as in the existing NEPA documents.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Two alternatives (Proposed Action and the No Action Alternative), covering a reasonable range of alternatives was analyzed in CO-110-2007-051-EA and DOI-CO-110-2009-202-EA. No reasons were identified to analyze additional alternatives, and these alternatives are considered to be adequate and valid for the Proposed Action.

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?

Review by BLM WRFO specialists in this document (DOI-BLM-CO-110-2012-0043-DNA) did not indicate recent endangered species listings and no indication was given to show an updated list of BLM-sensitive species that would be affected by the 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?

Review by BLM WRFO specialists in this document (DOI-BLM-CO-110-2012-0043-DNA) did not indicate there would be any direct, indirect and cumulative effects from the Proposed Action that were not adequately addressed in CO-110-2007-051-EA and DOI-CO-110-2009-202-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

The public involvement with this project involved posting it on a list of pending NEPA documents on the BLM WRFO's White River NEPA Register on 2/2/2012. As of 3/6/2012, no comments or inquiries have been received.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 1/31/2012. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	2/10/2012

Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	2/28/2012
Zoe Miller	Ecologist	Special Status Plant Species	3/5/2012

REMARKS:

Cultural Resources: The proposed overhead power line is in an area covered by parts of two Class III (100 percent) pedestrian inventories (Brogan 2006, compliance dated 3/13/2006, Conner et al. 2009, compliance dated 2/4/2010). No cultural resources have been identified in the project area and it is unlikely that any subsurface remains will be disturbed. There are no anticipated long term impacts to cultural resources from the proposed power line.

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.

Threatened and Endangered Wildlife Species: As conditioned, the Proposed Action poses no reasonable electrocution risk to migrant or breeding raptors. The project site is encompassed by deer severe winter range and is normally subject to an activity restriction (December 1 through April 30), but in the interest of accommodating a system shutdown, the timing limitation has been excepted for the following reasons:

- the project is situated amidst existing disturbances (i.e., located on a broad pipeline corridor about 328 feet (100 meters) from an existing well access and within 0.5 mile of a large gas processing facility);
- the work is relatively short duration, low intensity, and represents a discrete, single-point source of disturbance;
- the applicants agreed to schedule the construction activity in March—a time when snow conditions normally prompt deer to shift distribution from northerly-trending terrain (i.e., the project area) to more southerly aspects to the north and east.

Threatened and Endangered Plant Species: Since the work will occur within existing disturbances and previously permitted right-of-ways, there will be no impact to special status plant species.

REFERENCES CITED:

Brogan, John

- 2006 Exxon-Mobil Corporation's Proposed Piceance Tight Gas Project (Phase I) Class III Cultural Resource Inventory in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (06-1-54-02: SHPO # RB.LM.R1120)

Conner, Carl E., Barbara J. Davenport, and Nicole Darnell

2009 Class III Cultural Resource Inventory Report for Portions of Five Pipeline Projects (Pitcher's Mound, Black Sulphur, Dry Gulch, Water Fork, and Ryan Ridge) and the Dry Gulch Compressor Station in Rio Blanco County, Colorado for Bargath, Inc. Grand River Institute, Grand Junction, Colorado. (09-11-32: SHPO #RB.LM.R1184)

MITIGATION:

Tap Facility: All applicable terms and conditions of right-of-way grant COC73903 shall be carried forward and remain in full force and effect. All construction activity associated with the tap facility project shall take place in March 2012.

Power Line: The following applicable mitigation from CO-110-2007-051-EA has been carried forward and shall be applied to the power line right-of-way:

1. Construction equipment will be maintained in good operating condition to ensure that engines are running efficiently. Vehicles and construction equipment with emission controls will also be maintained to ensure effective pollutant emission reductions.
2. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
3. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The operator/holder/applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator/holder/applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
4. 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.
5. The holder will be required to monitor the project area for the life of the project and eradicate all noxious and invasive species which occur on site using materials and methods approved in advance by the Authorized Officer.

6. Construction sites and roadways shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site.

"Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

7. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) 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.

8. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

9. A release of any chemical, oil, petroleum product, or sewage, etc. (regardless of quantity) must be reported immediately to the Bureau of Land Management at (970) 878-3800 and the Colorado Department of Public Health and Environment (CDPHE) 24-hour spill reporting line at 1 (877) 518-5608.

10. If the holder encounters any waste dump sites, on or adjacent to the project area, they are to be reported to the BLM.

11. No vegetation clearing outside the minimal amount needed to install the line facilities will be permitted.

12. Construction of the power line to the tap facility project (as described in this DNA) will take place in March 2012 as a one-time exception to the deer severe winter range timing restrictions. All other work associated with this right-of-way grant will be subject to timing restrictions and would not be conducted during big game severe winter range timeframes (1 January to 30 April). Modifications to this condition may be considered and approved by the Authorized Officer pending approved construction schedules for the project, deer distribution during proposed construction timeframes, and ambient weather conditions.

13. The holder 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 (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

14. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

15. If, for any reason, it becomes necessary to excavate into the underlying rock formation for anything other than the power pole holes, a paleontological monitor shall be present during all such excavations.

16. All permanent (onsite for six [6] months or longer) structures, facilities and equipment (excluding power poles) on BLM lands placed above ground shall be painted Munsell Soil Color Chart *Juniper Green* within six months of installation.

17. The holder will mitigate potential impacts to water resources by restricting non-emergency maintenance activities on power lines when soils become saturated to a depth of three inches or more. In addition, unauthorized motorized travel (public) must be restricted from utilizing the ROW. Revegetation efforts will concur with procedures outlined in the vegetation portion of this document.

18. Promptly revegetate all disturbed areas with Native Seed mix #3. Seed mixture rates are Pure Live Seed (PLS) pounds per acre. Drill seeding is the preferred method of application.

Seed Mix #	Species (Variety)	Lbs. PLS per Acre
3	Western wheatgrass (Rosanna)	2
	Bluebunch wheatgrass (Secar)	2
	Thickspike wheatgrass (Critana)	2
	Indian ricegrass (Nezpar)	1
	Fourwing saltbush (Wytana)	1
	Utah sweetvetch	1
	Alternates: Needle and thread, globemallow	

19. The holder will be required to monitoring the entire ROW for signs of erosion and the presence of noxious and invasive plant species. If problems arise the holder will consult with the

BLM for further assistance. It will be the responsibility of the holder to continue revegetation efforts and treatment of noxious and invasive plant species until the ROW is composed entirely of desirable vegetation (as determined by the BLM).

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 holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

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

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

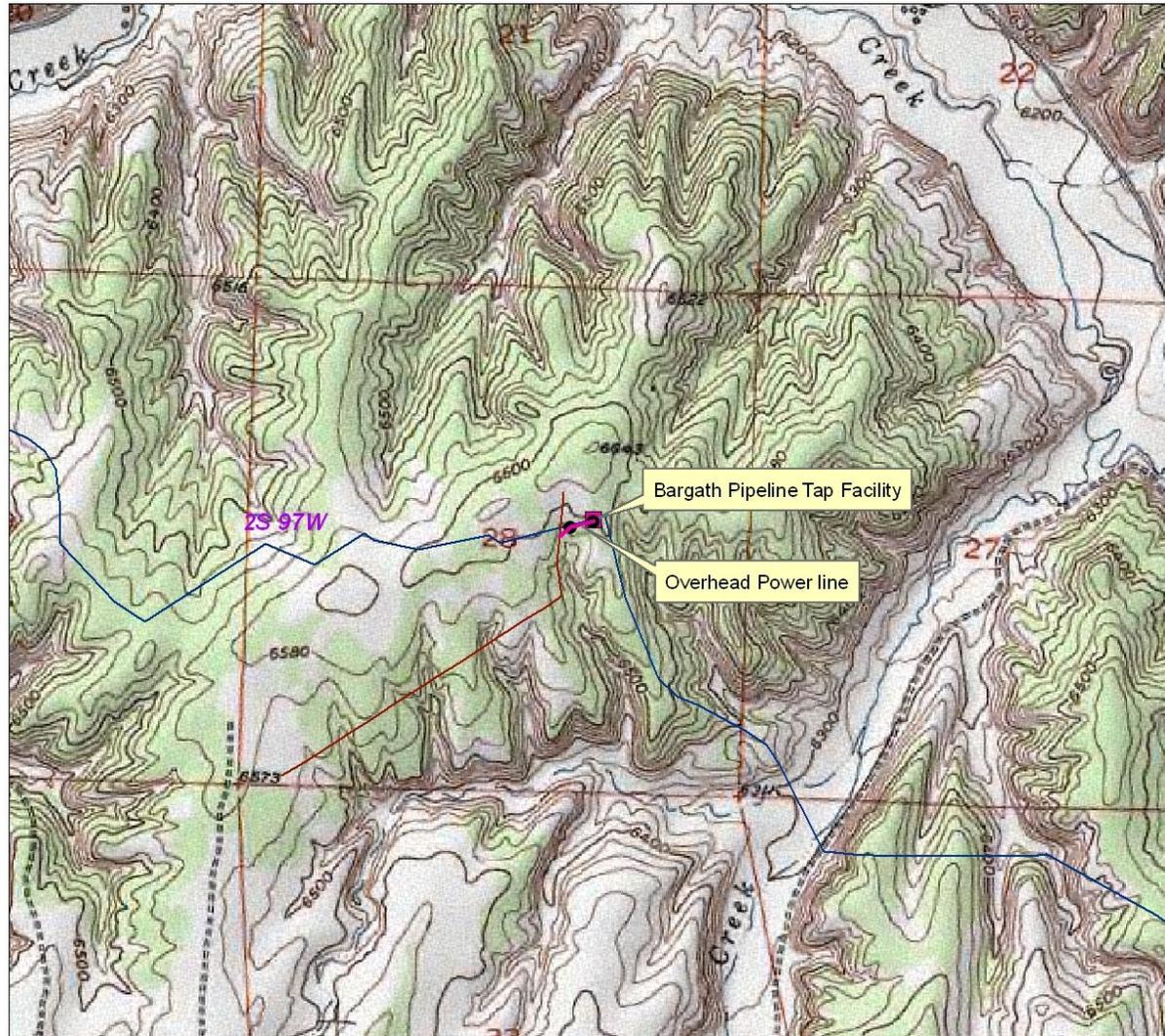
DATE SIGNED: 3/9/12

ATTACHMENTS: Exhibit A: Map of Proposed Action

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

WREA Overhead Power Line to Bargath Pipeline Tap Facility T. 2 S., R. 97 W., sec. 28

EXHIBIT A



- Powerline ROW COC70721
- Pipeline ROW COC73003
- PLS5_Townships_GCD02008

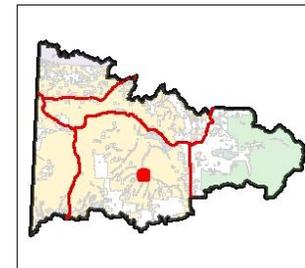


Sources:
BLM, USGS, CDDW, etc.

Disclaimer:
Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.



January 2012



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

DECISION RECORD

PROJECT NAME: Overhead Power Line To Pipeline Tap Facility

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-2012-0043-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0043-DNA, authorizing the construction, operation, and maintenance of an overhead power line and a pipeline tap facility.

Mitigation Measures

Tap Facility: All applicable terms and conditions of right-of-way grant COC73903 shall be carried forward and remain in full force and effect. All construction activity associated with the tap facility project shall take place in March 2012.

Power Line:

1. Construction equipment will be maintained in good operating condition to ensure that engines are running efficiently. Vehicles and construction equipment with emission controls will also be maintained to ensure effective pollutant emission reductions.
2. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
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	Alternates: Needle and thread, globemallow	

19. The holder will be required to monitoring the entire ROW for signs of erosion and the presence of noxious and invasive plant species. If problems arise the holder will consult with the BLM for further assistance. It will be the responsibility of the holder to continue revegetation efforts and treatment of noxious and invasive plant species until the ROW is composed entirely of desirable vegetation (as determined by the BLM).

COMPLIANCE WITH LAWS & 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 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

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

RATIONALE

The proposal for the powerline and tap facility in concert with the applied mitigation conforms to the land use plan and the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM’s compliance with the requirements of NEPA. A new powerline is needed to fulfill the electrical needs of Bargath’s Ryan Gulch Enterprise Interconnect.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:

Esther McCall
 Acting Field Manager

DATE SIGNED: 3/9/12