

**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-110-2013-0020-DNA

CASEFILE/PROJECT NUMBER: COC75941 Site PCU T63-12G  
COC75942 Site PCU F13-1G  
COC75943 Water Gathering Line  
COC75944 Site/Gathering Line PCU T35-12G

PROJECT NAME: XTO disposal wells PCU T63-12G, F13-1G, T35-12G and water pipelines

LEGAL DESCRIPTION: Sixth Principal Meridian  
T.2 S., R.97 W.,  
Section 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Section 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Section 13, Lot 3.

APPLICANT: XTO Energy, Inc.

ISSUES AND CONCERNS: These applications were submitted to the BLM on 12/18/2009 (PCU T63-12G and F13-1G) and 7/12/2011 (PCU T35-12G). All locations had issues with special status plants. Plant surveys were completed in the spring of 2012.

BACKGROUND:

The proposal is located entirely within the Piceance Development Project (PDP) which analyzed up to 91 injection wells as a part of CO-110-2005-219-EA. The PDP language addressed "injection wells" for the disposal of produced water. For clarity, the injection wells in this proposal will be referred to as Water Disposal Wells (WDW) to distinguish them from other types of injection wells.

DESCRIPTION OF PROPOSED ACTION: The White River Field Office (WRFO) has received three applications from Exxon/XTO for expansion of the Produced Water Distribution and Disposal (PWDD) system. These wells will require a 4" and 6" PWDD pipeline to connect at the existing 10" PWDD trunkline system (COC73610) in Sec. 13-2S-97W. Total length of the 50' right-of-way and site sizes for the disposal sites are outlined in Exhibit A. The produced water in the PWDD system is from multiple oil and gas units, a 100 ft by 100 ft site located on the existing disposal well pad will be authorized. Construction will include tie-ins to the existing pipeline. The areas involved are summarized in the following table:

Description	Width (ft)	Length(ft)	Disturbed Area in acres	Final width feet	Final area Acres
PCU T63-12G	100	100	0.23**	100	0.23**
Pipeline	50	6,720	7.71	50	7.71
PCU F13-1G	100	100	0.23**	100	0.23**
Pipeline	50	3,175	3.65	50	3.65
PCU T35-12G	100	100	0.23**	100	0.23**
Pipeline	50	90	0.10	50	0.10
TOTAL			11.46		11.46

\*\*The right-of-way for the disposal wells are located on previously disturbed well pad locations.

Design Features: The operator has confirmed the following: 1) the Proposed Action will not require any new storage facilities or compressors, and 2) the Proposed Action will not require the installation of any facilities that would generate audible noise. Existing roads would be used to access the disposal well and no additional access authorization is required. Material/equipment staging will be conducted on the disposal well sites. Equipment planned for construction will include two backhoes for trench construction, as well as a bull dozer, side boom tractor, dump truck and other miscellaneous trucks. The pipeline will require seven reels of four-inch and six-inch pipe at 20,000 pounds each. The Plan of Development includes a Reclamation Plan and information as to the anticipated work force, general construction process, maps and a plan view with a slope profile (this information is in the file and available for public review upon request).

Decision to be Made: The BLM will decide whether or not to approve the 4” and 6” PWDD pipelines and the three sites for disposal wells PCU F13-1G, T63-12G, and T35-12G, located on existing well pads, 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: July 1, 1997

Name of Document: [DOI-BLM-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? 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?

*Yes, the new proposal is for the same action (installation of equipment for injection purpose with 4 inch and 6 inch pipeline) analyzed in DOI-BLM-CO-110-2005-219-EA. The location for the Proposed Action is within the same area analyzed in the referenced EA. The concerns associated with construction in this field were addressed in DOI-BLM-CO-110-2005-219-EA and the same mitigation would apply.*

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?

*Four alternatives, covering a reasonable range of alternatives to the Proposed Action, were analyzed in DOI-BLM-CO-110-2005-219-EA. No reasons were identified to analyze additional alternatives to the Proposed Action. 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?

*Additional projects have been analyzed in the area, but no known changes in circumstances or information have been found, thus the analysis is still valid.*

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?

*The direct, indirect, and cumulative effects that could result from implementing this Proposed Action would still remain similar to BLM-DOI-CO-110-2005-219-EA.*

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

*Yes, the process of public involvement and interagency review associated with DOI-BLM-CO-110-2005-219-EA remains adequate for this Proposed Action. This project was listed on the WRFO on-line NEPA register as of 12/20/2012. No inquiries or comments have been received as of 1/9/2013*

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 11/20/2012. 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.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	11/29/2012
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	12/3/2012
Baili Foster	Ecologist Intern	Special Status Plant Species	1/8/2013

**REMARKS:**

*Cultural Resources:* The routes of the proposed injection waterlines are covered by all or part of five Class III (100 percent) pedestrian inventories (Brogan 2006 compliance dated 3/13/2006, Conner 1992 compliance dated 6/25/1992 Jennings and Lincoln 2011 compliance dated 9/13/2011, Pfertsh et al 1998 compliance dated 7/19/1998, Schneider et al 2008 compliance dated 1/31/2008) which have not resulted in the identification of any surface manifestations of archaeological resources along the route. However, recent excavations into the deep alluvia/colluvial fill of Hatch Gulch has resulted in the identification of cultural resources including butchered bison bones (Berry et al 2012 compliance dated 10/12/2012). It is not anticipated that any known sites will be impacted by the proposed water injection line project. However, there is a high potential for subsurface remains, particularly in the bottom of Hatch Gulch.

Any impacts to previously unknown subsurface cultural remains could represent a serious loss of archaeological data from the regional database. Any such loss would be irreversible and irretrievable.

*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.

*Paleontological Resources:* The proposed water injection lines are located in an area generally mapped as the Uintah Formation (Tweto 1979) which the BLM, WRFO has classified as a

Potential Fossil Yield Classification (PFYC) 4/5 unit. A PFYC 4/5 geological is a formation that is known to produce scientifically noteworthy fossil resources (c.f. Armstrong and Wolny 1989). However, recent work in the bottom of Hatch Gulch indicates it is filled with as much as 10 feet (3 meters) of colluvium (Berry et al 2012) which is not expected to produce fossils.

*Threatened and Endangered Wildlife Species:* There are no threatened or endangered species that are known to inhabit or derive important use from the project area. The Proposed Action will result in the direct removal of 11.46 acres habitat and has the potential to indirectly influence an additional 143 acres of habitat through disturbance from construction activities. Should construction activities be initiated during the migratory bird nesting season (typically mid-May through mid to late-July) there would be greater potential to influence nesting activities/outcomes including bird displacement, nest abandonment and possible nestling mortality. Therefore, vegetation removal and construction activities associated with the Proposed Action will need to occur outside the migratory bird nesting season from May 15 through July 15. The project area is also located within mule deer critical winter range, which supports the herd's population during the most extreme winters. These habitats are typically occupied from October through April. Construction activities associated with the Proposed Action are prohibited from December 1 through April 30. Pinyon-juniper surrounding the site may provide suitable nesting substrate for woodland raptors. There are several known nest locations within 400 meters of the project area. Raptor survey conducted uses BLM approved protocol will be required in suitable nesting habitat prior to construction activities. In areas where proposed disturbance parallels existing disturbance, conduct surveys 300 feet from the edge of rights-of-way ROW and in areas where the proposed disturbance is not adjacent to existing disturbance, conduct surveys within 0.25 miles from the edge of the disturbance. Appropriate timing stipulations will be applied if an active nest is located during the survey.

*Threatened and Endangered Plant Species:* Hayden-Wing Associates, LLC conducted rare plant and suitable habitat surveys in 2010 and 2012 within a 600 meter (about 2,000 feet) buffer of the Proposed Action. Suitable habitat for the two federally listed species of wild mustards, the Dudley Bluffs bladderpod (*Physaria congesta*) and Dudley Bluffs twinpod (*Physaria obcordata*), occur within the boundaries of the Project Area. However, no *Physaria* plants were found in the survey area in 2010 or 2012, so the nearest population remains approximately 3.5 km (2 miles) to the west. No BLM sensitive plants were found in the survey as well. Within the survey area, 21.03 ha (52.97 acres) of suitable habitat was identified. The majority of suitable habitat occurred on Thirteenmile Creek Tongue of the Green River Formation. The proposed pipelines do not intersect with any patches of suitable habitat, however, the F13-1G to T63-12G portion of the pipeline is adjacent and parallel to a large patch of suitable habitat. The pipeline will be located at the base of the slope, while the suitable habitat is located above on the steep side slope. Construction of wells, pipelines and associated access routes may potentially remove pollinator habitat and nesting sites causing indirect impacts to the species. Most pollinators that visit the twinpod are generalists that are not likely to travel more than 0.6 miles from the nesting site (Tepedino 2009). Fugitive dust may also indirectly impact the pollinator species by negatively affecting plant reproduction through stigma competition. Dust inhibits pollen transfer by coating the stigma. Finally, if the *Physaria* species were to colonize any of the suitable habitat near the Proposed Action in the future, the fragmentation of the surrounding vegetative communities may indirectly impact the new populations. Some impacts may include an increase

in non-native species invasion, fragmentation of pollinator habitat, and possible increase of human disturbance because of easier access on roads used by energy proponents. There is no direct impact to special status plant species expected associated with the Proposed Action.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Berry, Michael, Carl Conner, James C. Miller, Courtney Groff and Holly Shelton

2012 Cultural Resources Monitor Report for the Construction of the Meeker, to Greasewood and PCP Loop Pipelines in Garfield and Rio Blanco Counties, Colorado for Enterprise Products, Incorporated (USA). Grand River Institute, Grand Junction, Colorado. (12-11-24: SHPO #MC.LM.R656)

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. (06-54-02: SHPO # RB.LM.R1120)

Conner, Carl E.

1992 Cultural Resources Inventory Report on a Proposed Powerline to Well 35-12 in Rio Blanco County, Colorado for Mobile (sic) Oil Company. Grand River institute, Grand Junction, Colorado. (92-11-06: SHPO #RB.LM.NR630)

Jennings, Sarah, and Gail Lincoln

2011 ExxonMobil Corporation: A Class III Cultural Resources Inventory of ca. 1209 Acres for Mule Deer Habitat Treatment, South Magnolia Clearance Area, in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Wheat Ridge, Colorado. (11-54-13: SHPO #RB.LM.R 1268)

Pfertsch, Jack E., Rand A Gruebel, Kelly Quick and James Welch

1998 Class III Cultural Resource Inventory of Questar Pipeline Company Dark Canyon Interconnect Pipeline and Ancillary Facilities Site, Rio Blanco County, Colorado. Alpine Archaeological Consultants Inc., Montrose Colorado, and SWCA Environmental Consultants, Salt Lake City, Utah. (98-127-01: SHPO #RB.LLM.NR1013)

Schneider, Edward, James Lowe and Nancy Pahr

2007 A Class III Cultural Resource Inventory for White River Hub, LLC's White River hub project, Rio Blanco County, Colorado. TRC, Laramie, Wyoming. (08-22-01: SHPO # RB.LM.NR1874)

Tweto, Ogden

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

#### **MITIGATION: EXHIBIT B**

1. 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.
2. 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 holder 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 holder, 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.
3. Pursuant to 43 CFR 10.4(g), the holder must notify the AO, by telephone and 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 AO.
4. An archaeological monitor shall be required for all trenching activity on the bottom of Hatch Gulch.
5. 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.
6. 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.

7. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.
8. Activities associated with the Proposed Action, that extend from the T35-12G disposal well along the 6" water line to where it ties in with the 4" water line, will take place outside of the 60 day migratory bird nesting season (May 16-July 14).
9. The holder will prevent vehicle use of the right-of-way from the T35-12G disposal well along the 6" water line to where it ties in with the 4" water line through the construction of a fence, gate or physical barrier.
10. The holder will conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
11. The ROW grant is independent of Environmental Protection Agency (EPA) and COGCC approvals. If the holder identifies a conflict between this approval and the necessary approvals granted by the EPA and/or COGCC, the holder will immediately notify this office and propose corrective actions to remedy the conflict.
12. The ROW grant is only for the disposal of produced water in well PCU F13-1G, T63-12G, and T35-12G.
13. The initial cost per barrel fee will be \$0.15 of produced water injected in to well PCU F13-1G, T63-12G, and T35-12G. Prior approval must be obtained from the BLM for the procedures and equipment proposed to be used for measurement of produced water injected into well PCU F13-1G, T63-12G, and T35-12G before such injection begins. The BLM may modify the proposal and condition the approval.
14. The ROW is granted to the holder for the exclusive use of PCU F13-1G, T63-12G, and T35-12G for disposal of produced water originating only from those wells operated by the holder, as recognized by the BLM or COGCC.

**The following applicable mitigation from DOI-BLM-CO-110-2005-0219-EA has been carried forward:**

1. Any future project-related proposals within the ACECs or suitable habitat will be analyzed on a site-specific basis through the NEPA process.
2. If new populations of any listed, proposed or candidate plants are found, or unknown indirect or cumulative impacts occur that could change the important values of these ACECs or

adversely impact the plants, then further NEPA analysis or monitoring may be required to analyze and mitigate the effect.

3. Measures determined by the USFWS will be implemented to mitigate proposed water depletions in the Colorado River System and impacts to Colorado River endangered fishes.
4. XTO will collect and properly dispose of any solid wastes generated. Use, storage, transport, and disposal of hazardous materials will be handled in accordance with applicable state and federal laws.
5. Surface-disturbing activities and vehicle access occurring on or across soils saturated to a depth of three inches or more (rutting depth is greater than or equal to three inches) can alter natural drainage patterns as well as reduce soil infiltration and permeability rates all of which may lead to increased overland flow, hill slope soil erosion, and increased salt loading to the Colorado River System. Thus, all surface-disturbing activities shall cease when soils or road surfaces become saturated to a depth of three inches or more unless otherwise approved by the Authorized Officer.
6. Upon final abandonment of well pads, treatment facilities, new access roads, and completion of pipelines, 100 percent of all disturbed surfaces will be restored to pre-construction contours, and revegetated with a BLM preferred seed mixture. Natural drainage patterns will be restored and stabilized with a combination of vegetative (seeding) and non-vegetative (straw bales, woody debris, straw waddles, biodegradable fabrics, etc.) techniques. All available woody debris will be pulled back over recontoured areas (woody debris will not account for more than 20 percent of total surface cover) to help stabilize soils, trap moisture, and provide cover for vegetation. Monitoring and additional reclamation efforts will persist until reclamation is proven successful (as determined by the BLM).
7. Provide all drivers with a training session describing the types of wildlife species in the area that are susceptible to vehicular collisions to reduce the potential for vehicle/big-game or vehicle/raptor collisions. The circumstances under which such collisions are likely to occur, and the measures that could be employed to minimize them should be discussed. Reduced speed limits will be implemented to reduce potential for vehicle/wildlife collisions.
8. Conduct nesting raptor surveys in suitable nesting habitat (mature pinyon/juniper woodland, spruce-fir and aspen). In addition, conduct surveys in suitable nesting habitats within one mile of the proposed project for cliff-nesting species. In areas where proposed disturbance parallels existing disturbance, conduct surveys 300 feet from the edge of rights-of-way unless specifically directed by BLM. In areas where the proposed disturbance is not adjacent to existing disturbance, conduct surveys within 0.25 miles from the edge of the disturbance. Surveys could be conducted throughout the year; however, any potential nest sites located must be resurveyed during the breeding season to determine activity. Construction activities will be prohibited within 0.25 miles of active nests, depending on species, between February 1 and August 15, or until fledging and dispersal of the young.

9. There will be no surface occupancy within 1/8 mile of identified nests (White River ROD/RMP – WR-2). In the event NSO stipulations are not appropriate, avoid adverse modification of woodland canopies within 0.125–0.25 miles of functional nest sites (White River ROD/RMP –WR-3).
10. Avoid construction activities in mule deer severe winter range between December 1 and April 30. The AO may approve development activities during this time in order to take advantage of long-term habitat benefits associated with, for example, multi-well pads or winter reclamation practices.
11. The following required BLM mitigation measures will minimize accidental fires and cheatgrass infestations:
  - Equip construction equipment operating with internal combustion engines with approved spark arresters.
  - Carry fire-fighting equipment (long-handled round-point shovel and dry-chemical fire extinguisher) on motor vehicles and equipment.
  - Take immediate action to suppress accidental fires.
  - Control noxious weeds as discussed in the **Invasive, Non-Native Species** section.
  - Seed disturbed areas as discussed in the **Vegetation** section.
12. All trees removed in the process of construction must be purchased from 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 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:** Janet Doll

**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:



Field Manager

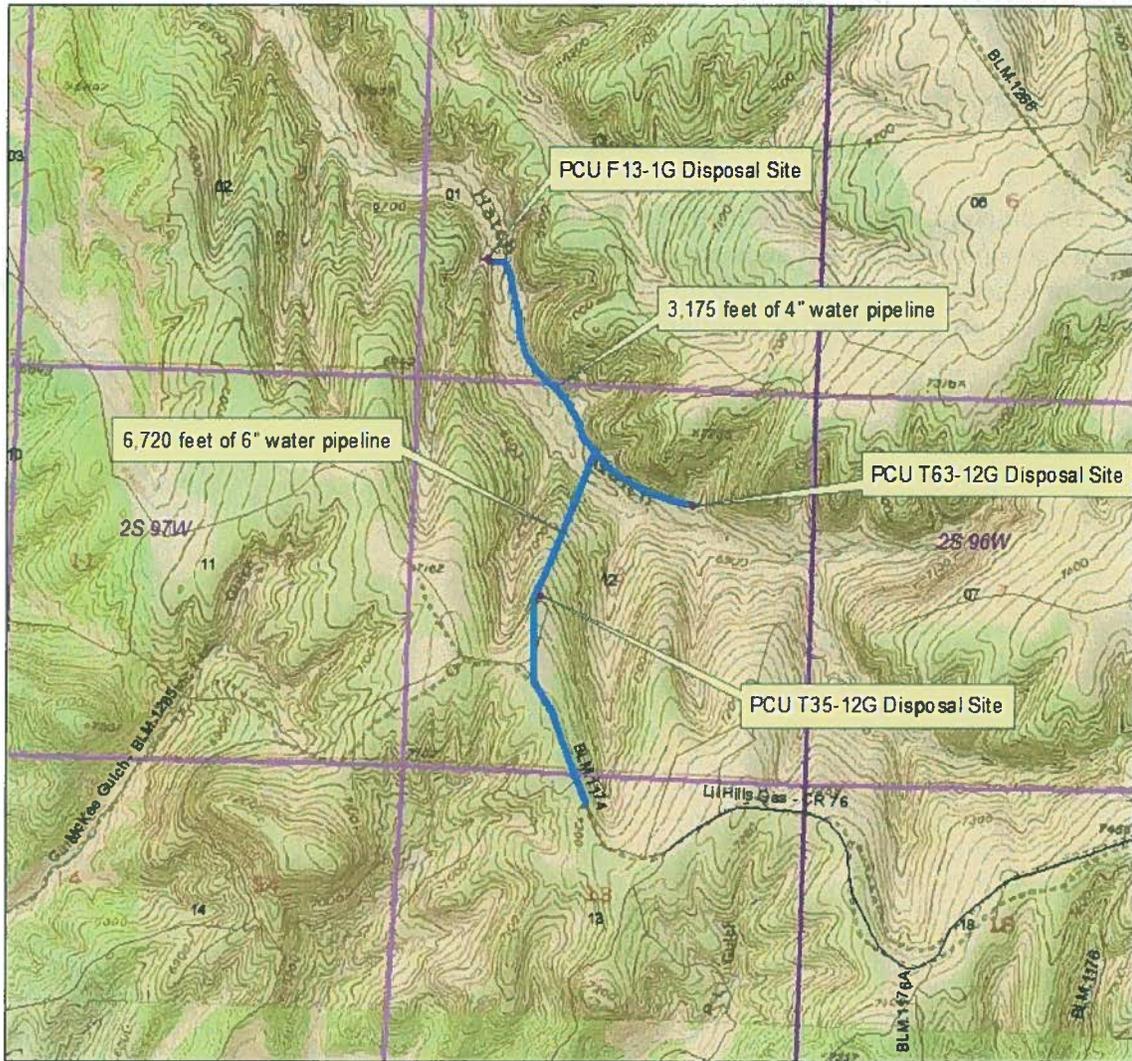
DATE SIGNED:

01/10/13

ATTACHMENTS: Exhibit A-Site Map  
Exhibit B-Mitigation/Stipulations

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.

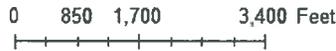
# XTO Disposal Well Sites and water gathering pipelines



November 2012

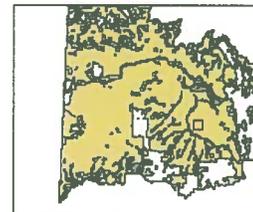
**Exhibit A**

- Projects polygon selection
- Projects\_line\_byr selection



Sources:  
BLM, USGS, CDOW, etc.

**Disclaimer:**  
Although the data presented within this map, and the map file it, 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 act of distribution constitute or imply any such warranty.



**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:** XTO disposal wells, PCU T63-12G, F13-1G, T35-12G and water pipelines

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-110-2013-0020-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0020-DNA, authorizing the construction, operation, and maintenance of the 4 inch and 6 inch PWDD pipeline. It is also my decision to issue ROW for the existing PCU F13-1G, T63-12G, and T35-12G well sites to be converted to disposal wells.

**Mitigation Measures**

1. 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.
2. 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 holder 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 holder, 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.
3. Pursuant to 43 CFR 10.4(g), the holder must notify the AO, by telephone and 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 AO.
4. An archaeological monitor shall be required for all trenching activity on the bottom of Hatch

Gulch.

5. 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.
6. 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.
7. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.
8. Activities associated with the Proposed Action, that extend from the T35-12G disposal well along the 6" water line to where it ties in with the 4" water line, will take place outside of the 60 day migratory bird nesting season (May 16-July 14).
9. The holder will prevent vehicle use of the right-of-way from the T35-12G disposal well along the 6" water line to where it ties in with the 4" water line through the construction of a fence, gate or physical barrier.
10. The holder will conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
11. The ROW grant is independent of Environmental Protection Agency (EPA) and COGCC approvals. If the holder identifies a conflict between this approval and the necessary approvals granted by the EPA and/or COGCC, the holder will immediately notify this office and propose corrective actions to remedy the conflict.
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into well PCU F13-1G, T63-12G, and T35-12G before such injection begins. The BLM may modify the proposal and condition the approval.

14. The ROW is granted to the holder for the exclusive use of PCU F13-1G, T63-12G, and T35-12G for disposal of produced water originating only from those wells operated by the holder, as recognized by the BLM or COGCCC.

**The following applicable mitigation from DOI-BLM-CO-110-2005-0219-EA has been carried forward:**

1. Any future project-related proposals within the ACECs or suitable habitat will be analyzed on a site-specific basis through the NEPA process.
2. If new populations of any listed, proposed or candidate plants are found, or unknown indirect or cumulative impacts occur that could change the important values of these ACECs or adversely impact the plants, then further NEPA analysis or monitoring may be required to analyze and mitigate the effect.
3. Measures determined by the USFWS will be implemented to mitigate proposed water depletions in the Colorado River System and impacts to Colorado River endangered fishes.
4. XTO will collect and properly dispose of any solid wastes generated. Use, storage, transport, and disposal of hazardous materials will be handled in accordance with applicable state and federal laws.
5. Surface-disturbing activities and vehicle access occurring on or across soils saturated to a depth of three inches or more (rutting depth is greater than or equal to three inches) can alter natural drainage patterns as well as reduce soil infiltration and permeability rates all of which may lead to increased overland flow, hill slope soil erosion, and increased salt loading to the Colorado River System. Thus, all surface-disturbing activities shall cease when soils or road surfaces become saturated to a depth of three inches or more unless otherwise approved by the Authorized Officer.
6. Upon final abandonment of well pads, treatment facilities, new access roads, and completion of pipelines, 100 percent of all disturbed surfaces will be restored to pre-construction contours, and revegetated with a BLM preferred seed mixture. Natural drainage patterns will be restored and stabilized with a combination of vegetative (seeding) and non-vegetative (straw bales, woody debris, straw wattles, biodegradable fabrics, etc.) techniques. All available woody debris will be pulled back over recontoured areas (woody debris will not account for more than 20 percent of total surface cover) to help stabilize soils, trap moisture, and provide cover for vegetation. Monitoring and additional reclamation efforts will persist until reclamation is proven successful (as determined by the BLM).
7. Provide all drivers with a training session describing the types of wildlife species in the area that are susceptible to vehicular collisions to reduce the potential for vehicle/big-game or vehicle/raptor collisions. The circumstances under which such collisions are likely to occur,

and the measures that could be employed to minimize them should be discussed. Reduced speed limits will be implemented to reduce potential for vehicle/wildlife collisions.

8. Conduct nesting raptor surveys in suitable nesting habitat (mature pinyon/juniper woodland, spruce-fir and aspen). In addition, conduct surveys in suitable nesting habitats within one mile of the proposed project for cliff-nesting species. In areas where proposed disturbance parallels existing disturbance, conduct surveys 300 feet from the edge of rights-of-way unless specifically directed by BLM. In areas where the proposed disturbance is not adjacent to existing disturbance, conduct surveys within 0.25 miles from the edge of the disturbance. Surveys could be conducted throughout the year; however, any potential nest sites located must be resurveyed during the breeding season to determine activity. Construction activities will be prohibited within 0.25 miles of active nests, depending on species, between February 1 and August 15, or until fledging and dispersal of the young.
9. There will be no surface occupancy within 1/8 mile of identified nests (White River ROD/RMP – WR-2). In the event NSO stipulations are not appropriate, avoid adverse modification of woodland canopies within 0.125–0.25 miles of functional nest sites (White River ROD/RMP –WR-3).
10. Avoid construction activities in mule deer severe winter range between December 1 and April 30. The AO may approve development activities during this time in order to take advantage of long-term habitat benefits associated with, for example, multi-well pads or winter reclamation practices.
11. The following required BLM mitigation measures will minimize accidental fires and cheatgrass infestations:
  - Equip construction equipment operating with internal combustion engines with approved spark arresters.
  - Carry fire-fighting equipment (long-handled round-point shovel and dry-chemical fire extinguisher) on motor vehicles and equipment.
  - Take immediate action to suppress accidental fires.
  - Control noxious weeds as discussed in the **Invasive, Non-Native Species** section.
  - Seed disturbed areas as discussed in the **Vegetation** section.
12. All trees removed in the process of construction must be purchased from 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 on 12/20/2012 and a copy of the completed Documentation of NEPA Adequacy will be posted on the WRFO NEPA Register.

**RATIONALE**

The proposal for a produced water pipeline along with disposal well sites, 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. Injection is the BLM's preferred method of disposal of produced water.

**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:**



Field Manager

**DATE SIGNED:**

01/18/13

