

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-110-2013-0010-CX

CASEFILE/PROJECT NUMBER: AmendCOC70980

PROJECT NAME: Bridge Plant at Yellow Creek Gas Plant

LEGAL DESCRIPTION: Sixth Principle Meridian, Colorado  
T. 1N., R. 98W.,  
Section 36, lot 2.  
T. 1S., R. 98W.,  
Section 1, lot 7.

APPLICANT: BOPCO, L.P.

DESCRIPTION OF PROPOSED ACTION:

BOPCO, L.P. (BOPCO) plans to construct a “bridge plant” facility (Bridge Plant), a natural gas processing facility located at the existing Yellow Creek Gas Plant. The Bridge Plant will be constructed entirely on the existing right-of-way for the Yellow Creek Gas Plant (ROW as amended COC70980). This plant will replace the existing Kinder Morgan (KM) facility which was previously operated by South-Tex Treaters and is scheduled to close in November 2012. Upon start-up of the Yellow Creek Bridge Plant, the KM plant will be shut-down. The KM facility will be removed at a later date. The footprint of the Bridge Plant will be approximately 77.5 feet x 137.5 feet, with a 72.5 ft. x 25 ft. cutout (approximately 0.20 acres or 0.08 hectares) (see Exhibit A). All areas proposed for construction or disturbance currently consist of existing surface disturbance and/or constructed facilities.

Construction of the Bridge Plant would begin with the construction of a concrete foundation. Foundation construction would include preparatory earthwork and pouring of concrete. The preparation of the foundation for concrete pouring would involve approximately 30 transport loads with one 10-yard dump truck, 4 days of work with one grader, 6 days of work with one D9 Cat (bulldozer), and 8 days of work with one back-hoe. Pouring of the concrete foundation would involve approximately 44 transport loads by cement truck. Approximately 45 trips are expected for two tooted trucks during the concrete foundation work.

Following the foundation work, the Bridge Plant equipment would be installed. All equipment will be assembled off-site to the extent possible, skid mounted, and un-loaded and installed at the Yellow Creek Gas Plant to reduce on-site construction activities. The equipment list for the

Bridge Plant includes a dehydration unit, a natural gas liquids stabilizer, a refrigeration unit, and an amine unit. Project activities will occur during the fall or winter.

### **OPERATOR COMMITTED DESIGN FEATURES**

1. To the extent that it is possible, all equipment will be assembled off-site to reduce on-site construction activities.
2. All construction activity will stay at least 100 meters from closest edge of occupied *Physaria congesta* habitat. A temporary construction barrier will be installed 100 meters from the *P. congesta* population. Only vehicles related to day-to-day activities will be allowed within 100 meters of the population during construction of the Bridge Plant. BOPCO will determine how the barrier will be constructed with final approval from the BLM. A fence will not be installed, as this may impede the response of emergency vehicles in an emergency situation.
3. Dust suppression and monitoring will occur within the entire ROW during Bridge Plant construction, including all construction, parking, equipment areas, as well as for truck traffic along CR 20. Dust suppression will be accomplished only with fresh water free of any chemicals, oils or solvents.
  - a. BOPCO will track and report the amount of water used in construction and dust suppressant activities for the BLM to remain compliant with the Programmatic Biological Assessment (PBA) for water depletion in the Colorado River Basin.
4. Project activities will occur during the fall or winter (outside of *P. congesta* growing season).
5. BOPCO will appoint a qualified, Independent Third-Party Contractor (Contractor) to provide general project oversight, assure compliance with the terms and conditions of this approval.
  - a. The Contractor will be present during initial days of construction to ensure the construction barrier is properly placed.
  - b. The Contractor will also randomly visit the site 2-3 times throughout construction activities to monitor dust abatement, ensure construction activities are occurring outside of the avoidance area, all other mitigation measures are being observed, and any other unexpected potential direct or indirect impacts.
  - c. If visible dust plumes are noted, the Contractor will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change.
  - d. The Contractor will report the visits and observations in an email to the BLM Project Lead and Ecologist.
6. BOPCO or the holder of the grant will monitor the entire ROW corridor with a buffer of 100 feet for noxious and invasive species for the life of the project. These mitigation measures for weed control and treatment will be employed until the future formal consultation is completed.

- a. If non-native or invasive species are found, BOPCO will be required to treat the infestations using the White River Field Office Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP.
  - b. Manual weed control will be the only treatment method used when weeds are within 5 meters of occupied or historically occupied *P. congesta* population.
  - c. Small infestations will be controlled manually within 30 meters of occupied *P. congesta* populations, when possible.
  - d. If cheatgrass infestations are too large to control manually, ground herbicide treatments may be applied at least 5 meters from *P. congesta* individuals with Imazapic (no more than 6 oz per acre).
  - e. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of *P. congesta*; beyond 600 meters from the threatened plant, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any of the project area. Indicator dyes will be used with all herbicide.
  - f. BOPCO may use the Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CPA) already held by BOPCO. The CPA, as directed by BOPCO, must use the herbicides in the IWMP at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.
  - g. The weed technicians working under the CPA license must be able to correctly identify *P. congesta* when they are implementing their control measures.
  - h. Technicians will control weeds species before they flower and set seed.
7. The biological assessment associated with this Proposed Action will only cover activities involved in the construction of the Bridge Plant. Within 6-12 months re-initiation of formal consultation is required to address long-term use (day to day operations), maintenance activities, removal of the Kinder-Morgan Plant, and any reclamation activities and/or mitigation activities of the entire facility. BOPCO anticipates that the entire ROW will be needed for the life of Yellow Creek Field.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) 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, E13: *“Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.”*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
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 the bureau.		X
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 (WRFO) interdisciplinary team on 10/30/2012. 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	11/1/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	11/08/2012
Zoe Miller	Ecologist	Special Status Plant Species	11/28/2012

REMARKS:

*Cultural Resource:* The area of the proposed Bridge Plant has been inventoried at the Class III (100 Percent Pedestrian ) level by all or parts of five inventories (Brogan and O'Brien 2004 compliance dated 8/31/2004, Conner 2012 compliance dated 9/20/2012, Frizell and Frizell 1991 compliance dated 8/14/1991, Scott 2003 compliance dated 1/27/2003, Snyder 2008 compliance dated 10/7/2008). No cultural resources have been identified within the plant area by any of the inventories. While undetected subsurface remains cannot be completely ruled out it appears that the proposed Bridge Plant will not impact any known cultural resources.

*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 area of the current gas plant right-of-way is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM, WRFO has classified as a Potential Fossil Yield Classification (PFYC) 4/5 formation meaning it is known to produce scientifically noteworthy fossils (c.f. Armstrong and Wolny 1989). In this area the sedimentary formation is covered by an unknown depth of soil. Should it become necessary to excavate into the underlying sedimentary rock formation to construct the footers for the buildings there is a high potential to impact scientifically noteworthy fossil resources.

Any impact to fossil resources from footer excavation would likely represent an irreversible and irretrievable loss of scientific data from the regional paleontological database.

*Special Status Wildlife Species:* There are no special status animal species that are known to inhabit or derive important use from the project area. The existing gas plant is located in mule deer severe winter range, a specialized component of winter range that supports virtually an entire herd's population during the most extreme winters (heavy snow fall, extreme temperatures). Activities associated with the Proposed Action, including construction of the gas

plant and vehicle traffic may have negative influence (both behaviorally and physiologically) on local big game populations, particularly if they occur during the critical winter period.

Noise associated with the Yellow Creek Gas Plant (addition of compressor) was addressed in the 2008 Categorical Exclusion (CO-110-2008-117-CER). Mitigation measures (see below) regarding extraneous noise should currently be in place for the existing compressor station. If compression is needed for the gas plant, the mitigation measures listed below would be applied.

*Special Status Plant Species:* The federally listed Dudley Bluffs bladderpod (*Physaria congesta*) may be affected by the Proposed Action. This species is listed as threatened under the Endangered Species Act. This species is restricted primarily to barren shale outcrops of the Thirteen Mile Creek Tongue of the Green River Formation on level or gently-sloped surfaces, though some occurrences have been documented on other members of the Green River Formation. Oil and gas development, solid mineral extraction, off-highway vehicle use, invasive species, and grazing have been identified as threats to the species (USFWS 2008).

Botanical inventories for special status plant species were conducted by Grasslands Consulting, Inc. from May 16-27, 2011 and April 24-25, 2012 for other projects near the proposed Yellow Creek Bridge Plant (both inventories are described in Grasslands 2012). During these inventories, all areas within 600 meters of the proposed Bridge Plant were surveyed for special status plant species. *Physaria congesta* was previously known to occur on an exposure of the Yellow Creek Tongue of the Green River Formation on the east side of Yellow Creek north of the Yellow Creek Gas Plant. In addition to this known occurrence, one occurrence of *P. congesta* was documented on the west side of Yellow Creek, and the total extent of occupied *P. congesta* habitat on the east side of Yellow Creek was documented to be greater in 2011-2012 than had historically been documented. The nearest edge of occupied *P. congesta* habitat was documented to be approximately 53 meters northeast of the northeastern edge of the existing Yellow Creek Gas Plant. The nearest edge of occupied *P. congesta* habitat was documented to be approximately 125 meters northeast of the northeastern edge of the proposed Bridge Plant.

During the 2011 and 2012 field surveys (Grasslands 2012), the nearest edge of occupied *P. congesta* habitat was documented to be approximately 125 meters northeast of the northeastern edge of the proposed Bridge Plant. Therefore, the Proposed Action will not result in the removal of any *P. congesta* individuals or the loss of any occupied *P. congesta* habitat.

The most likely potential effect to *P. congesta* from the Proposed Action would be the generation of fugitive dust, which may cause reduced pollinator activity or reduced individual and population vigor as a result of respiratory and reproductive depression effects that can occur if dust is deposited within or near occupied habitats (Sharifi 1997, Trombulak and Frissell 2000, Hobbs 2001).

Because the proposed project will occur entirely on existing disturbance, it will not contribute to further habitat loss or habitat fragmentation for *P. congesta* or its insect pollinators. Further, because project activities will not result in new surface disturbance, the spread of invasive species that frequently results from surface disturbing activities will not occur. Seeds of non-

native and invasive species may still be introduced to the area as a result of increased vehicle traffic.

To analyze effects to the species, existing and proposed disturbances within the effect determination area (the Proposed Action with a 300 m buffer) were digitized from 2011 NAIP orthoimagery and analyzed. The effect determination area was delineated as all portions of the proposed project and surrounding 300-meter buffer within 600 meters of occupied *P. congesta* habitats. All portions of the effect determination area are within 600 meters of occupied *P. congesta* habitats. Table 1 shows existing and proposed surface disturbance within the effect determination area. Note that the Proposed Action would not increase the extent of surface disturbance within the effect determination area because project activities would occur entirely on the existing Yellow Creek Gas Plant ROW.

Table 1: Effect Determination Analysis for the Proposed Project

Plant Consideration Area - Rings	Total for Rings (within Action Area)		Proposed Project Disturbance (new)		Existing Disturbance (includes revegetated)		Cumulative Disturbance (Proposed + Existing)	
	Acres	Percent of Total Area	Acres	Percent of Ring	Acres	Percent of Ring	Acres	Percent of Ring
Occupied Habitat	6.40	8.08	0.00	0.00	0.00	0.00	0.00	0.00
0 - 100 Meters	16.18	20.41	0.00	0.00	2.13	13.15	2.13	13.15
100 - 300 Meters	37.86	47.76	0.00	0.00	8.15	21.52	8.15	21.52
300 - 600 Meters	18.83	23.75	0.00	0.00	6.48	34.43	6.48	34.43
<b>Total</b>	<b>79.26</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>16.76</b>	<b>21.14</b>	<b>16.76</b>	<b>21.14</b>

Note: Figures that do not sum correctly reflect rounding.

Because construction activities will be confined entirely to existing disturbance, and because the operator has committed to conservation measures as design features, direct and indirect impacts to *Physaria congesta* are likely to be discountable or insignificant. On November 28, 2012, BLM received written concurrence from the Fish and Wildlife Service (FWS) with the determination that the Proposed Action *may affect, but is not likely to adversely affect Physaria congesta*. The FWS concurred with the BLM's determination, but the FWS expects that formal consultation for the remainder of the activities at this site will be initiated within six to twelve months.

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.

Brogan, John M., and Patrick K. O'Brien  
 2004 Dominion Gas Ventures, LLC: Class III Cultural Resource Inventory of the Proposed Yellow Creek pipeline, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (04-54-30: SHPO #RB.LM.R809)

Conner, Carl E.

- 2012 Class III Cultural Resources Inventory Report for a Proposed Power Line (8170 feet) to the BOPCO, L.P.R.O. Facility in Rio Blanco County, Colorado for White River Electric Association. (12-11-18: SHPO RB.LM.R1229)

Grasslands Consulting, Inc. (Grasslands)

2012. Yellow Creek Rare Plant Survey Report 2012. Report Prepared for the Bureau of Land Management – White River Field Office.

Hobbs, M.L.

2001. Good practice guide for assessing and managing the environmental effects of dust emissions. Published September 2001 by Ministry for the Environment. P.O. Box 10-362, Wellington, New Zealand. 58 pp.

Frizell, Elizabeth, and Jon P. Frizell

- 1991 A Class III Cultural Resource Inventory of the Northern Geophysical Seismic Line 134, Rio Blanco County, Colorado. North Platte Archaeological Services, Casper, Wyoming. (91-98-04: SHPO #RB.LM.R127)

Scott, John M.

- 2003 Bass Enterprise production Company's Proposed Yellow Creek Federal 1-1 Well, Pad, Access Road, and pipeline. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (03-54-01: SHPO # RB.LM.NR1305)

Sharifi, M.R., Gibson, A.C., and P.W. Rundel.

1997. Surface dust impacts on gas exchange in Mohave desert shrubs. *Journal of Applied Ecology*. 34: 837-846.

Snyder, Stephen

- 2008 Class III Cultural Resource Inventory of BOPCO Yellow Creek Gas Plant upgrade, Rio Blanco County, Buys and Associates, Inc., Littleton, Colorado. (08-175-05a: SHPO # RB.LM.NR1981)

Trombulak, S.C. and C.A. Frissell.

2000. Review of ecological effects of roads on terrestrial and aquatic communities. *Conservation Biology*. 14(1): 18-30.

Tweto, Ogden

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

US Fish and Wildlife Service

- 2008 5-Year Review, Dudley Bluffs bladderpod (*Lesquerella congesta* or *Physaria congesta*) and Dudley Bluffs twinpod (*Physaria obcordata*). Region 6. Available at: <http://www.fws.gov/mountain%2Dprairie/species/plants/dudleybluffs/>

## MITIGATION:

### OPERATOR COMMITTED DESIGN FEATURES

1. To the extent that it is possible, all equipment will be assembled off-site to reduce on-site construction activities.
2. All construction activity will stay at least 100 meters from closest edge of occupied *Physaria congesta* habitat. A temporary construction barrier will be installed 100 meters from the *P. congesta* population. Only vehicles related to day-to-day activities will be allowed within 100 meters of the population during construction of the Bridge Plant. BOPCO will determine how the barrier will be constructed with final approval from the BLM. A fence will not be installed, as this may impede the response of emergency vehicles in an emergency situation.
3. Dust suppression and monitoring will occur within the entire ROW during Bridge Plant construction, including all construction, parking, equipment areas, as well as for truck traffic along CR 20. Dust suppression will be accomplished only with fresh water free of any chemicals, oils or solvents.
  - a. BOPCO will track and report the amount of water used in construction and dust suppressant activities for the BLM to remain compliant with the Programmatic Biological Assessment (PBA) for water depletion in the Colorado River Basin.
4. Project activities will occur during the fall or winter (outside of *P. congesta* growing season).
5. BOPCO will appoint a qualified, Independent Third-Party Contractor (Contractor) to provide general project oversight, assure compliance with the terms and conditions of this approval.
  - a. The Contractor will be present during initial days of construction to ensure the construction barrier is properly placed.
  - b. The contractor will also randomly visit the site 2-3 times throughout construction activities to monitor dust abatement, ensure construction activities are occurring outside of the avoidance area, all other mitigation measures are being observed, and any other unexpected potential direct or indirect impacts.
  - c. If visible dust plumes are noted, the Contractor will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change.
  - d. The Contractor will report the visits and observations in an email to the BLM project lead and Ecologist.
6. BOPCO or the holder of the grant will monitor the entire ROW corridor with a buffer of 100 feet for noxious and invasive species for the life of the project. These mitigation measures for weed control and treatment will be employed until the future formal consultation is completed.

- a. If non-native or invasive species are found, BOPCO will be required to treat the infestations using the White River Field Office Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP.
  - b. Manual weed control will be the only treatment method used when weeds are within 5 meters of occupied or historically occupied *P. congesta* population.
  - c. Small infestations will be controlled manually within 30 meters of occupied *P. congesta* populations, when possible.
  - d. If cheatgrass infestations are too large to control manually, ground herbicide treatments may be applied at least 5 meters from *P. congesta* individuals with Imazapic (no more than 6 oz per acre).
  - e. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of *P. congesta*; beyond 600 meters from the threatened plant, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any of the project area. Indicator dyes will be used with all herbicide.
  - f. BOPCO may use the Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CPA) already held by BOPCO. The CPA, as directed by BOPCO, must use the herbicides in the IWMP at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.
  - g. The weed technicians working under the CPA license must be able to correctly identify *P. congesta* when they are implementing their control measures.
  - h. Technicians will control weeds species before they flower and set seed.
7. The biological assessment associated with this Proposed Action will only cover activities involved in the construction of the Bridge Plant. Within 6-12 months re-initiation of formal consultation is required to address long-term use (day to day operations), maintenance activities, removal of the Kinder-Morgan Plant, and any reclamation activities and or/mitigation activities of the entire facility. BOPCO anticipates that the entire ROW will be needed for the life of Yellow Creek Field.

### **ADDITIONAL MITIGATION**

8. All applicable terms and conditions of original right-of-way grant COC67992 are carried forward and remain in full force and effect.
9. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
10. 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. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring, topsoiling, or seeding. The Authorized

Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

11. Any proposal involving additional surface disturbance outside of the authorized right-of-way 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 existing at the time of authorization.
12. 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.
13. 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.
14. 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.
15. If it becomes necessary to excavate to a depth in excess of two feet to prepare the footers for the buildings an approved archaeologist must be present to monitor such excavations.
16. 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.
17. 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.

18. 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.
19. To reduce cumulative activity, particularly traffic, on severe winter ranges, facility construction (including equipment transport) will be restricted to timeframes outside the period from January 1 to April 30.
20. To reduce cumulative noise emissions, engines will be required to be fitted with hospital-grade mufflers, and the entire facility fully enclosed. Noise emanation should be oriented vertically or toward the slopes closest to the facility (i.e., north or, most likely, south); conversely it should not be oriented with or across the valleys.
21. If the BLM or BOPCO become aware of new information regarding the design of the proposed projects, the discovery of previously unknown bladderpod or twinpod (*Physaria obcordata* – Dudley Bluffs twinpod) locations near project activities, impacts observed but not considered or the occurrence of other listed species within the action area, the FWS must be contacted for potential reinitiation of section 7 consultation.

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 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

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E13. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

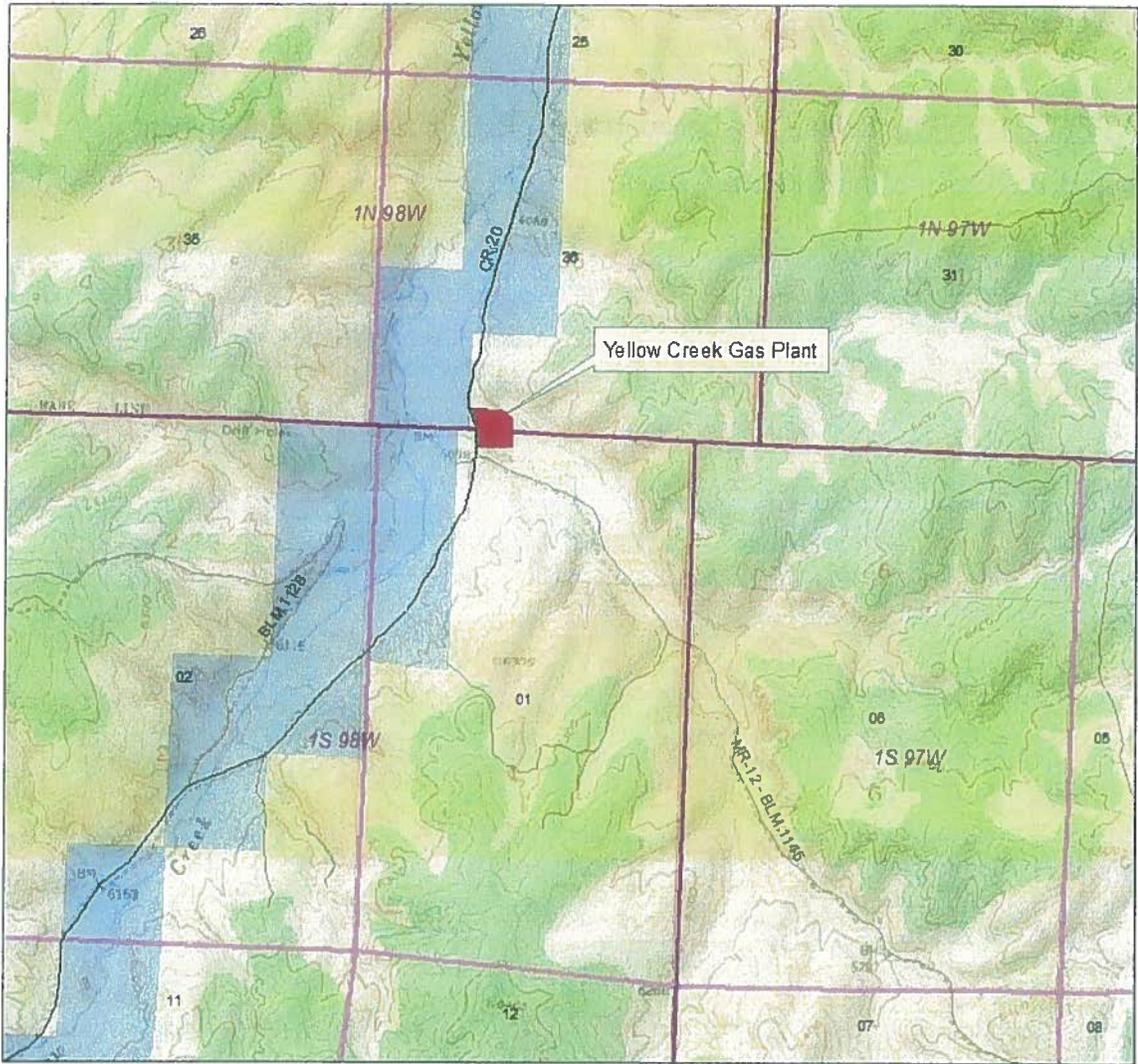
*Est M Mc Coy*  
Acting Field Manager

DATE SIGNED:

11/29/12

ATTACHMENTS: Exhibit A—Location Map, Exhibit B—Footprint of Plant

# Bridge Plant at Yellow Creek Gas Plant AmendCOC70980



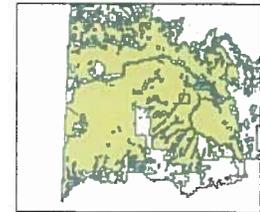
October 2012



0 850 1,700 3,400 Feet

Sources:  
BLM, USGS, COOW, 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.



**Exhibit A**



**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:** Bridge Plant at Yellow Creek Gas Plant

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-110-2013-0010-CX

### **DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0010-CX, authorizing the construction, operation, and maintenance of the Bridge Plant on previously disturbed areas.

### **Design Features and Mitigation Measures**

#### **Operator Committed Design Features**

1. To the extent that it is possible, all equipment will be assembled off-site to reduce on-site construction activities.
2. All construction activity will stay at least 100 meters from closest edge of occupied *Physaria congesta* habitat. A temporary construction barrier will be installed 100 meters from the *P. congesta* population. Only vehicles related to day-to-day activities will be allowed within 100 meters of the population during construction of the Bridge Plant. BOPCO will determine how the barrier will be constructed with final approval from the BLM. A fence will not be installed, as this may impede the response of emergency vehicles in an emergency situation.
3. Dust suppression and monitoring will occur within the entire ROW during Bridge Plant construction, including all construction, parking, equipment areas, as well as for truck traffic along CR 20. Dust suppression will be accomplished only with fresh water free of any chemicals, oils or solvents.
  - a. BOPCO will track and report the amount of water used in construction and dust suppressant activities for the BLM to remain compliant with the Programmatic Biological Assessment (PBA) for water depletion in the Colorado River Basin.
4. Project activities will occur during the fall or winter (outside of *P. congesta* growing season).

5. BOPCO will appoint a qualified, Independent Third-Party Contractor (Contractor) to provide general project oversight, assure compliance with the terms and conditions of this approval.
  - a. The Contractor will be present during initial days of construction to ensure the construction barrier is properly placed.
  - b. The contractor will also randomly visit the site 2-3 times throughout construction activities to monitor dust abatement, ensure construction activities are occurring outside of the avoidance area, all other mitigation measures are being observed, and any other unexpected potential direct or indirect impacts.
  - c. If visible dust plumes are noted, the Contractor will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change.
  - d. The Contractor will report the visits and observations in an email to the BLM project lead and Ecologist.
  
6. BOPCO or the holder of the grant will monitor the entire ROW corridor with a buffer of 100 feet for noxious and invasive species for the life of the project. These mitigation measures for weed control and treatment will be employed until the future formal consultation is completed.
  - a. If non-native or invasive species are found, BOPCO will be required to treat the infestations using the White River Field Office Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP.
  - b. Manual weed control will be the only treatment method used when weeds are within 5 meters of occupied or historically occupied *P. congesta* population.
  - c. Small infestations will be controlled manually within 30 meters of occupied *P. congesta* populations, when possible.
  - d. If cheatgrass infestations are too large to control manually, ground herbicide treatments may be applied at least 5 meters from *P. congesta* individuals with Imazapic (no more than 6 oz per acre).
  - e. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of *P. congesta*; beyond 600 meters from the threatened plant, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any of the project area. Indicator dyes will be used with all herbicide.
  - f. BOPCO may use the Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CPA) already held by BOPCO. The CPA, as directed by BOPCO, must use the herbicides in the IWMP at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.
  - g. The weed technicians working under the CPA license must be able to correctly identify *P. congesta* when they are implementing their control measures.
  - h. Technicians will control weeds species before they flower and set seed.

7. The biological assessment associated with this Proposed Action will only cover activities involved in the construction of the Bridge Plant. Within 6-12 months re-initiation of formal consultation is required to address long-term use (day to day operations), maintenance activities, removal of the Kinder-Morgan Plant, and any reclamation activities and or/mitigation activities of the entire facility. BOPCO anticipates that the entire ROW will be needed for the life of Yellow Creek Field.

### **Additional Mitigation Measures**

8. All applicable terms and conditions of original right-of-way grant COC67992 are carried forward and remain in full force and effect.
9. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
10. 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. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
11. Any proposal involving additional surface disturbance outside of the authorized right-of-way 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 existing at the time of authorization.
12. 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.
13. 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.
14. 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.

15. If it becomes necessary to excavate to a depth in excess of two feet to prepare the footers for the buildings an approved archaeologist must be present to monitor such excavations.
16. 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.
17. 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.
18. 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.
19. To reduce cumulative activity, particularly traffic, on severe winter ranges, facility construction (including equipment transport) will be restricted to timeframes outside the period from January 1 to April 30.
20. To reduce cumulative noise emissions, engines will be required to be fitted with hospital-grade mufflers, and the entire facility fully enclosed. Noise emanation should be oriented vertically or toward the slopes closest to the facility (i.e., north or, most likely, south); conversely it should not be oriented with or across the valleys.
21. If the BLM or BOPCO become aware of new information regarding the design of the proposed projects, the discovery of previously unknown bladderpod or twinpod (*Physaria obcordata* – Dudley Bluffs twinpod) locations near project activities, impacts observed but not considered or the occurrence of other listed species within the action area, the FWS must be contacted for potential reinitiation of section 7 consultation.

**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 11/5/2012 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

**RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E13. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

**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:**

  
Acting Field Manager

**DATE SIGNED:**

11/29/12