

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-110-2012-0087-CX

CASEFILE/PROJECT NUMBER: COC75604 and COC75605

PROJECT NAME: NWP Piceance Lateral CPS Access Roads

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 2 N., R. 97 W.,
sec. 18, lot 29;
sec. 19, lots 5 and 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 20, lots 9 and 23.

T. 2 N., R. 98 W.,
sec. 13, W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 2 N., R. 100 W.,
sec. 2, lots 5, 6, and 20, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$.

CPS 1847
Access Road

CPS 1849
Access Road

APPLICANT: Northwest Pipeline GP

DESCRIPTION OF PROPOSED ACTION: Northwest Pipeline GP (NWP) has two cathodic protection sites (CPS 1847 and 1849) on the Piceance Lateral natural gas pipeline (right-of-way (ROW) COC011409) with access roads that need to be improved and authorized to allow year-round access to the sites. ROW COC74418 authorizes CPS 1847 and the 40 ft pad around the rectifier pole. ROW COC73952 authorizes CPS 1849 and a 40 ft pad around the rectifier pole.

The existing access roads to CPS 1847 and CPS 1849 would be improved to allow year-round access to the sites. Segments of the access roads would be improved by grading the road and filling in ruts and mud holes. No gravel would be imported. A 40 ft by 40 ft pad around the rectifier pole (within the ROW width of 50 ft) would be graded for a vehicle turnaround at each site. At locations identified on the site maps (see Exhibit A), 16-inch culverts would be installed. NWP would excavate the drainage area, broaden the ditch to roughly twice the width of the culverts, and place the culverts in the ditches. There would be about one foot of excess length on each end of the culverts. The culverts would be covered with at least 12 inches of dirt, and the inlet and outlet of the culverts would be armored with rocks (rip-rap).

Six new culverts would be installed on the access road to CPS 1847. Two new culverts would be installed on the access road to CPS 1849.

Proposed work	Case file	Length (ft)	Width (ft)	Permanent ROW (acres)
CPS 1847 Access Road	COC75604	6,288	10	1.44
CPS 1849 Access Road	COC75605	4,948	10	1.14

Construction would begin November 2012 and would require approximately three months to complete. NWP would have an inspector on site during construction and reclamation to ensure federal, state, and county regulations and requirements are adhered to. One-Call notification would be completed prior to beginning work. Final site work would include cleanup/remediation of the access roads to preconstruction conditions, and the area would be reseeded. The complete plan of development can be found in the case files at the White River Field Office.

Decision to be Made: The BLM will decide whether or not to approve the two CPS access roads, 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."

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E16: "Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes".

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,		x

Extraordinary Circumstance	YES	NO
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.		
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 interdisciplinary team on 7/17/2012. 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	11/13/2012
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	8/21/2012
Zoe Miller	Ecologist	Special Status Plant Species	11/13/2012

REMARKS:

Cultural Resources: The proposed culvert locations have been inventoried at the Class III (100 percent pedestrian) level (Collister and Rood 2012, compliance dated 11/13/2012) with no new or known cultural resources identified within the proposed culvert placement locations. There should be no new impacts to any known cultural resources as none are known to be within 1,000 feet (305 meters).

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 CPS 1847 access road is located in an area generally mapped as the facies between the Lower Green River and the Wasatch formations (Tweto, 1979). The BLM WRFO has classified both formations as Potential Fossil Yield Classification (PFYC) 5 formations, meaning that they are known to produce scientifically noteworthy fossil resources (c.f., Armstrong and Wolny 1989). Any excavations into the underlying sedimentary rock formation have a high potential to impact scientifically noteworthy fossil resources. Such impacts are likely to result in an irreversible and irretrievable loss of data to the regional paleontological database.

The CPS 1849 access road is located in an area generally mapped as the Wasatch formation (Tweto 1979). The BLM WRFO has classified the Wasatch formation as a PFYC 5 formation, meaning it is known to produce scientifically noteworthy fossil resources. If it becomes necessary to excavate into the underlying sedimentary rock formation to install the culverts, there is a high potential to impact scientifically noteworthy fossil resources. Any impacts to fossil resources as a result of the action would likely represent a significant, irreversible, and irretrievable loss the regional paleontological database.

Threatened and Endangered Wildlife Species: There are no threatened and endangered wildlife species that are known to inhabit or derive important use from the project area. The Proposed Action falls within Colorado Parks and Wildlife's mapped big game critical winter range. Therefore, activities associated with the Proposed Action are not permitted from January 1 through April 30. There are no other wildlife concerns or issues associated with the Proposed Action.

Threatened and Endangered Plant Species: The project area occurs on the Green River formation, potential habitat for species status plant species (SSPS), and is within 900 m of an occupied population of the federally threatened Dudley Bluffs twinpod (*Physaria obcordata*). The access road in T2N, R100 W is within 400 m of the BLM sensitive species debris milkvetch (*Astragalus detritalis*). There were no SSPS found within the Proposed Action that would be directly impacted. However, since the project area is close to occupied and suitable habitat for the twinpod, the Proposed Action was included on the informal consultation for DOI-CO-BLM-110-2012-0048-EA. The US Fish and Wildlife service concurred with the conservation measures identified in the biological assessment (TAILS 06E24100-2012-I-0237).

Conservation Measures for the Proposed Action:

General

1. During project activities, human intrusions are not authorized outside of the proposed anomaly dig or road improvement areas, and will remain within the existing right-of-way corridor and access roads, except for the extra workspace at dig site 26280. To deter access on sensitive areas and educate the public, strategically placed signs addressing restrictions to weed spraying may be placed at project boundaries as appropriate.
2. Access for right-of-way activities will be restricted to existing project access and public roads. The BLM Ecologist must be notified if any additional road maintenance is required before or after project activities are undertaken or completed.
3. Subsequent to seeding, soil stabilization agents such as wood fiber mulch, cellulose mulch, wood chips, or wood straw may be required.
4. Proponent will promptly re-vegetate all disturbed areas in sagebrush bottomlands with a modified WRFO native seed mix #3 (see Table below). Re-vegetation will commence immediately after construction and will not be delayed until the following fall. In the event Proponent completes construction after November 15th, seeding will occur the following spring between March 1-31st, unless otherwise advised by the BLM.

Modified Native Seed Mix #3		
Species (variety)	Lbs. PLS/acre	Range Site
Western wheatgrass (Rosana)	2	Pinyon juniper woodlands, sandy juniper, stoney foothills
Bluebunch wheatgrass (Whitmar)	4	
Indian ricegrass (Rimrock)	4	
Needle and thread grass	3	
Lewis flax (Maple Grove)	1	
Scarlet globemallow	0.5	
Sulphur flower buckwheat	1.5	
Total Seed	16	

5. Proponent, or its designee, will monitor the right-of-way reclamation until successful reclamation is determined and Proponent is released from this requirement by the BLM.
6. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents.
7. Proponent will salvage all available topsoil and segregate from spoils by silt fencing, or other barrier, as appropriate.
8. All vehicles associated with the project will abide by company or public speed restrictions during all activities. In no event will vehicular traffic, within the right-of-way exceed ten miles per hour.
9. All materials, trash, and other debris will be removed from the right-of-way and access roads during construction and following final reclamation.

Weed Management

10. The Proponent will be required to apply for and maintain a pesticide use proposal (PUP). Once approved for a PUP, the Proponent will be required to treat the infestations using

the WRFO Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. Non-native or invasive species must be surveyed within the anomaly dig or road improvement footprints and within a 50 ft. buffer of these disturbances. 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.

- a. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of the known *P. obcordata* population, the *A. detritalis* population, and the potential habitat between MP 18 and 34; beyond 600 meters, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any of the project area.
- b. Appropriate adjuvants such as non-ionic surfactants or methylated seed oil (MSO) will be used with each herbicide as necessary.
- c. Indicator dyes will be used with all herbicide.
- d. No spraying of weeds will occur outside of the project footprint area.
- e. Technicians will control weed species before they flower and set seed.
- f. Technicians will be trained to properly identify *P. obcordata* and *A. detritalis* to avoid directly impact an individual.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado. Museum of Western Colorado, Grand Junction, Colorado.

Collister, Rachel, and Ronald J. Rood

2012 A Class III Cultural Resource Inventory for Northwest pipeline GP Vernal District CPS 1855, Culverts and Recoat Locations 254.9 and 266.13, in Rio Blanco County, Colorado. Cardno ENTRIX, Salt lake City, Utah. (12-174-02: SHPO #RB.LM.R1298)

Tweto, Ogden

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

MITIGATION:

Mitigation Measures Brought Forward from DOI-CO-BLM-110-2012-0048-EA:

1. Vegetation clearing activities will generally be conducted outside of the migratory bird nesting period (May 15 through July 15), unless BLM specifically authorizes work in situations that have little effective utility for nesting (e.g., roadsides).

2. Maintenance activities would be subject to timing limitations applied during species-specific nesting seasons as developed in the most current WRFO Resource Management Plan (see Table below).

Recommended No Activity Buffers for Active Raptor Nests ¹		
Raptor Species	No activities buffer	Dates
American peregrine falcon and northern goshawk (and other BLM Sensitive species)	½ mile	February 15 through August 15, or until fledgling and dispersal of young
Bald and golden eagles	½ mile	December 15 through July 15, or until fledgling and dispersal of young
Burrowing owls	1/8 mile	March 1 through August 15, or until fledgling and dispersal of young
Ferruginous hawks	1 mile	February 1 through August 15, or until fledgling and dispersal of young
Non-listed raptor species	¼ mile	February 15 through August 15, or until fledgling and dispersal of young
¹ BLM 2012, BLM RMP 1997, CDOW 2012.		

3. The project does not anticipate withdrawing any surface water for project related activities; therefore, downstream depletion effects to listed aquatic species are not expected. If future activities require depletions from the upper Colorado River system, the holder will pursue relevant authorizations and, in coordination with the BLM, initiate formal consultation with the FWS (US Fish & Wildlife Service). Conservation measures, including payment to the Recovery Implementation Plan for water depletions (consistent with protocols established in the most current version of BLM's Fluid Mineral Programmatic Biological Assessment), and BMPs for work within and near surface waters would be implemented to reduce sedimentation and turbidity increases in waterbodies adjacent to project activities. If water would be withdrawn from surface waters for project use, a screen would be placed on the equipment to minimize the potential for entrainment of aquatic organisms. If any in-stream project related activities were to occur, activities would be avoided during the following time periods for: mountain sucker, May 1 through August 31; bluehead sucker, May 1 through July 15; flannelmouth sucker, April 1 through July 1; and roundtail chub, May 15 through July 15.

4. Extra workspaces, refueling, and storage areas will be placed more than 50 feet from wetlands and 100 feet from waterbodies, when practical. Disturbance to riparian vegetation will be minimized to reduce impacts on aquatic species, such as fish, amphibians, and otters.

5. Disturbed areas would be revegetated according to the reclamation and revegetation plans in the Proposed Action and as specifically conditioned by WRFO. All equipment will be removed from the project area upon completion of work.

6. No project-related activities will be allowed from January 1 through April 30 in big game critical winter range.

7. A release of any chemical, oil, petroleum product, produced water, or sewage, etc., (regardless of quantity) must be reported by the holder to the BLM – WRFO Hazardous Materials Coordinator at (970) 878-3800.

8. Construction sites will 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.

9. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and junk equipment. The holder shall be prepared to provide documentation that all waste is properly disposed of at the appropriate regulated disposal facility.

10. All trees removed in the process of construction shall be purchased from the BLM. Because it is unknown how many trees will need to be removed, the holder will contact the BLM WRFO Ecologist with the number of trees/cords removed for post-removal billing.

11. Trees should first be used in reclamation efforts and then any excess material made available for firewood or other uses.

- Woody materials required for reclamation shall be removed in whole with limbs intact and shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 20 to 30 percent ground cover. Limbed material shall be scattered across reclaimed areas in a manner that avoids the development of a mulch layer that suppresses growth or reproduction of desirable vegetation. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.
- Trees that must be removed for construction and are not required for reclamation shall be cut down to a stump height of six inches or less prior to other heavy equipment operation. These trees shall be cut in four foot lengths (down to four inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public.

Conservation Measures Identified in the Biological Assessment (TAILS 06E24100-2012-I-0237):

12. During project activities, human intrusions are not authorized outside of the proposed road improvement areas, and will remain within the existing right-of-way corridor and access roads. To deter access on sensitive areas and educate the public, strategically placed signs addressing restrictions to weed spraying may be placed at project boundaries as appropriate.

13. Access for right-of-way activities will be restricted to existing project access and public roads. The BLM Ecologist must be notified if any additional road maintenance is required before or after project activities are undertaken or completed.

14. Subsequent to seeding, soil stabilization agents such as wood fiber mulch, cellulose mulch, wood chips, or wood straw may be required.

15. The holder, or its designee, will monitor the right-of-way reclamation until successful reclamation is determined and Proponent is released from this requirement by the BLM.

16. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents.

17. The holder will salvage all available topsoil and segregate from spoils by silt fencing, or other barrier, as appropriate.

18. The holder will promptly re-vegetate all disturbed areas in sagebrush bottomlands with a modified WRFO native seed mix #3 (see Table below). Re-vegetation will commence immediately after construction and will not be delayed until the following fall. In the event the holder completes construction after November 15th, seeding will occur the following spring between March 1-31st, unless otherwise advised by the BLM.

Modified Native Seed Mix #3		
Species (variety)	Lbs. PLS/acre	Range Site
Western wheatgrass (Rosana)	2	Pinyon juniper woodlands, sandy juniper, stoney foothills
Bluebunch wheatgrass (Whitmar)	4	
Indian ricegrass (Rimrock)	4	
Needle and thread grass	3	
Lewis flax (Maple Grove)	1	
Scarlet globemallow	0.5	
Sulphur flower buckwheat	1.5	
Total Seed	16	

19. All vehicles associated with the project will abide by company or public speed restrictions during all activities. In no event will vehicular traffic, within the right-of-way exceed ten miles per hour.

20. All materials, trash, and other debris will be removed from the right-of-way and access roads during construction and following final reclamation.

21. The holder will be required to apply for and maintain a pesticide use proposal (PUP). Once approved for a PUP, the holder will be required to treat the infestations using the WRFO Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. Non-native or invasive species must be surveyed within the road improvement footprints and within a 50 ft buffer of these disturbances. 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.

- a. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of the known *P. obcordata* population, the *A. detritalis* population,

and the potential habitat between MP 18 and 34; beyond 600 meters, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any of the project area.

- b. Appropriate adjuvants such as non-ionic surfactants or methylated seed oil (MSO) will be used with each herbicide as necessary.
- c. Indicator dyes will be used with all herbicide.
- d. No spraying of weeds will occur outside of the project footprint area.
- e. Technicians will control weed species before they flower and set seed.
- f. Technicians will be trained to properly identify *P. obcordata* and *A. detritalis* to avoid directly impact an individual.

Mitigation Specific to the Proposed Action:

22. 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 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.

23. 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 holder 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.

24. 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.

25. All activities would be required to comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required State and Rio Blanco County permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.

26. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless there are safety concerns or activities are approved by the Authorized Officer.

27. 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.

28. The holder shall provide the BLM AO with data in a format compatible with the WRFO's ESRI ArcGIS Geographic Information System (GIS) to accurately locate and identify the right-of-way and all constructed infrastructure, (as-built maps) within 60 days of construction completion. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better; (2) ESRI shapefiles or geodatabases; or at last resort, (3) AutoCAD .dwg or .dxf files. Option 2 is highly preferred. In ALL cases the data must be submitted in UTM Zone 13N, NAD 83, in units of meters. Data may be submitted as: (1) an email attachment; or (2) on a standard compact disk (CD) in compressed (WinZip only) or uncompressed format. All data shall include metadata, for each submitted layer, that conforms to the Content Standards for Digital Geospatial Metadata from the Federal Geographic Data Committee standards. Questions should be directed to WRFO BLM GIS staff at (970) 878-3800. If dust becomes an issue along the Proposed Action due to traffic, access routes may require watering or some form dust abatement.

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

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, E16. 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:



Field Manager

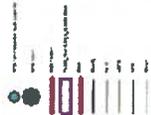
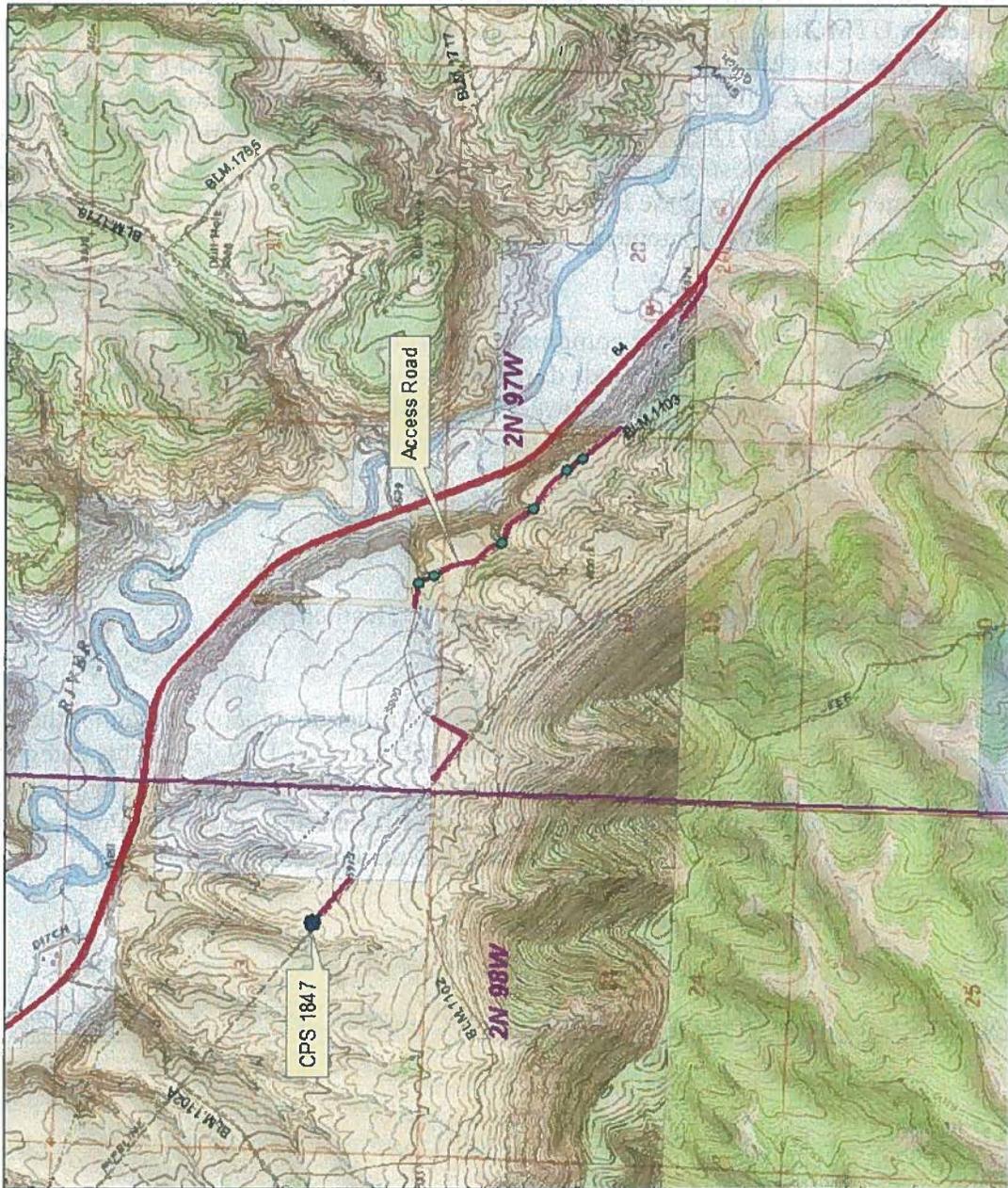
DATE SIGNED:

11/19/12

ATTACHMENTS: Exhibit A - Map of Proposed Action

**Access Road to CPS 1847
T2N, R97W and T2N, R98W**

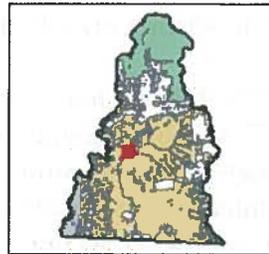
Exhibit A



Source:
Data: USGS, CPTV, etc.
Disclaimer:
This map is a GIS product and while the authors and the agency staff have taken reasonable precautions to ensure the accuracy of the data, the BLM does not warrant, represent or guarantee the accuracy, completeness or timeliness of the data. The BLM is not responsible for any errors or omissions, or for any consequences arising from the use of the information. It is the user's responsibility to verify the accuracy of the information.

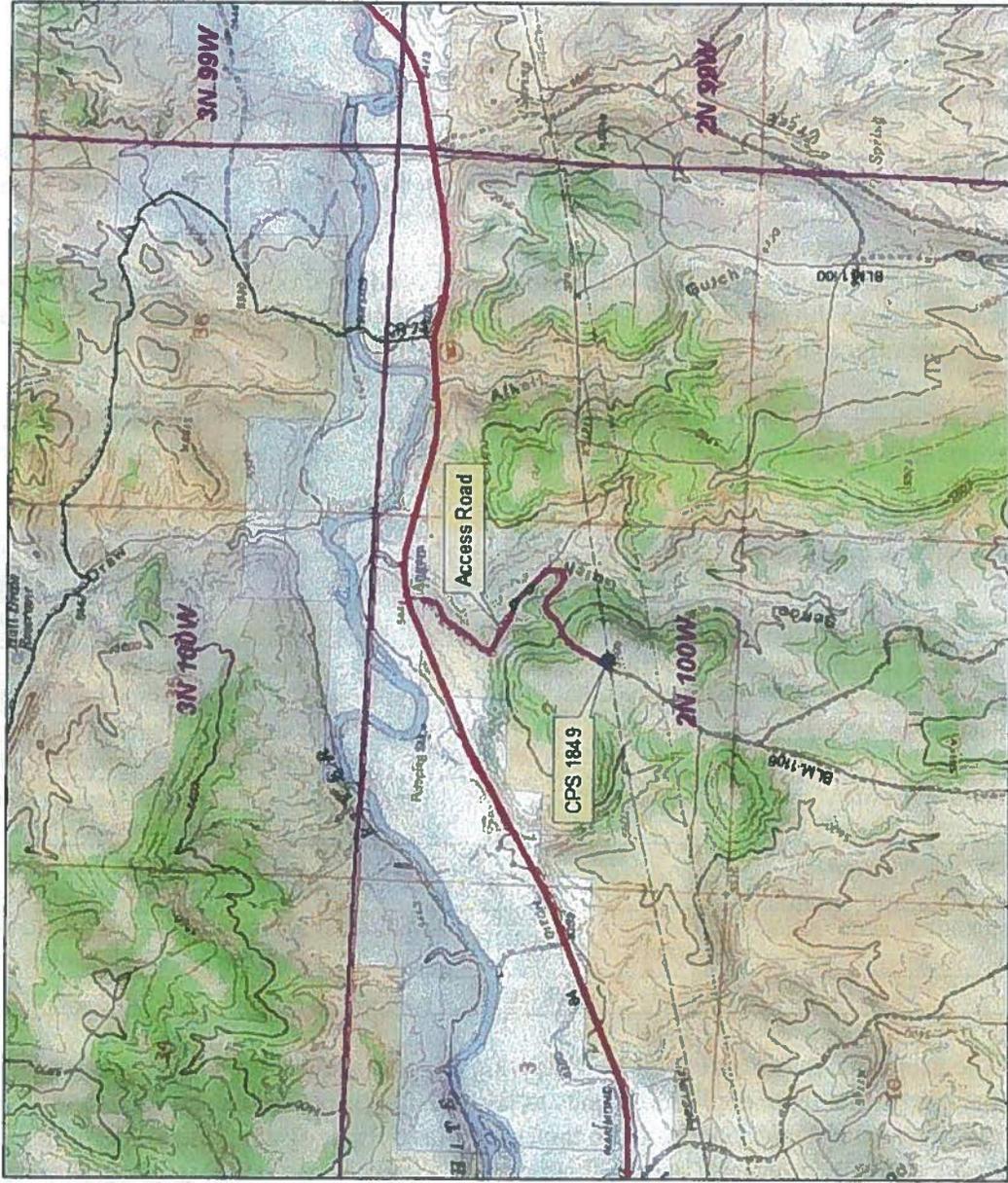


July 2012



**Access Road to CPS 1849
T2N, R100W**

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: NWP Piceance Lateral CPS Access Roads

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2012-0087-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2012-0087-CX, authorizing the construction, operation, and maintenance of two access roads to serve cathodic protection sites (CPS 1847 and 1849) on the Piceance Lateral natural gas pipeline.

Mitigation Measures

1. Vegetation clearing activities will generally be conducted outside of the migratory bird nesting period (May 15 through July 15), unless BLM specifically authorizes work in situations that have little effective utility for nesting (e.g., roadsides).

2. Maintenance activities would be subject to timing limitations applied during species-specific nesting seasons as developed in the most current WRFO Resource Management Plan (see Table below).

Recommended No Activity Buffers for Active Raptor Nests¹		
Raptor Species	No activities buffer	Dates
American peregrine falcon and northern goshawk (and other BLM Sensitive species)	½ mile	February 15 through August 15, or until fledgling and dispersal of young
Bald and golden eagles	½ mile	December 15 through July 15, or until fledgling and dispersal of young
Burrowing owls	1/8 mile	March 1 through August 15, or until fledgling and dispersal of young
Ferruginous hawks	1 mile	February 1 through August 15, or until fledgling and dispersal of young
Non-listed raptor species	¼ mile	February 15 through August 15, or until fledgling and dispersal of young

¹ BLM 2012, BLM RMP 1997, CDOW 2012.

3. The project does not anticipate withdrawing any surface water for project related activities; therefore, downstream depletion effects to listed aquatic species are not expected. If future activities require depletions from the upper Colorado River system, the holder will pursue relevant authorizations and, in coordination with the BLM, initiate formal consultation with the

FWS (US Fish & Wildlife Service). Conservation measures, including payment to the Recovery Implementation Plan for water depletions (consistent with protocols established in the most current version of BLM's Fluid Mineral Programmatic Biological Assessment), and BMPs for work within and near surface waters would be implemented to reduce sedimentation and turbidity increases in waterbodies adjacent to project activities. If water would be withdrawn from surface waters for project use, a screen would be placed on the equipment to minimize the potential for entrainment of aquatic organisms. If any in-stream project related activities were to occur, activities would be avoided during the following time periods for: mountain sucker, May 1 through August 31; bluehead sucker, May 1 through July 15; flannelmouth sucker, April 1 through July 1; and roundtail chub, May 15 through July 15.

4. Extra workspaces, refueling, and storage areas will be placed more than 50 feet from wetlands and 100 feet from waterbodies, when practical. Disturbance to riparian vegetation will be minimized to reduce impacts on aquatic species, such as fish, amphibians, and otters.

5. Disturbed areas would be revegetated according to the reclamation and revegetation plans in the Proposed Action and as specifically conditioned by WRFO. All equipment will be removed from the project area upon completion of work.

6. No project-related activities will be allowed from January 1 through April 30 in big game critical winter range.

7. A release of any chemical, oil, petroleum product, produced water, or sewage, etc., (regardless of quantity) must be reported by the holder to the BLM – WRFO Hazardous Materials Coordinator at (970) 878-3800.

8. Construction sites will 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.

9. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and junk equipment. The holder shall be prepared to provide documentation that all waste is properly disposed of at the appropriate regulated disposal facility.

10. All trees removed in the process of construction shall be purchased from the BLM. Because it is unknown how many trees will need to be removed, the holder will contact the BLM WRFO Ecologist with the number of trees/cords removed for post-removal billing.

11. Trees should first be used in reclamation efforts and then any excess material made available for firewood or other uses.

- Woody materials required for reclamation shall be removed in whole with limbs intact and shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 20 to 30 percent ground cover. Limbed material shall be scattered across reclaimed areas in a manner

that avoids the development of a mulch layer that suppresses growth or reproduction of desirable vegetation. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.

- Trees that must be removed for construction and are not required for reclamation shall be cut down to a stump height of six inches or less prior to other heavy equipment operation. These trees shall be cut in four foot lengths (down to four inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public.

12. During project activities, human intrusions are not authorized outside of the proposed road improvement areas, and will remain within the existing right-of-way corridor and access roads. To deter access on sensitive areas and educate the public, strategically placed signs addressing restrictions to weed spraying may be placed at project boundaries as appropriate.

13. Access for right-of-way activities will be restricted to existing project access and public roads. The BLM Ecologist must be notified if any additional road maintenance is required before or after project activities are undertaken or completed.

14. Subsequent to seeding, soil stabilization agents such as wood fiber mulch, cellulose mulch, wood chips, or wood straw may be required.

15. The holder, or its designee, will monitor the right-of-way reclamation until successful reclamation is determined and Proponent is released from this requirement by the BLM.

16. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents.

17. The holder will salvage all available topsoil and segregate from spoils by silt fencing, or other barrier, as appropriate.

18. The holder will promptly re-vegetate all disturbed areas in sagebrush bottomlands with a modified WRFO native seed mix #3 (see Table below). Re-vegetation will commence immediately after construction and will not be delayed until the following fall. In the event the holder completes construction after November 15th, seeding will occur the following spring between March 1-31st, unless otherwise advised by the BLM.

Modified Native Seed Mix #3		
Species (variety)	Lbs. PLS/acre	Range Site
Western wheatgrass (Rosana)	2	Pinyon juniper woodlands, sandy juniper, stoney foothills
Bluebunch wheatgrass (Whitmar)	4	
Indian ricegrass (Rimrock)	4	
Needle and thread grass	3	
Lewis flax (Maple Grove)	1	
Scarlet globemallow	0.5	
Sulphur flower buckwheat	1.5	
Total Seed	16	

19. All vehicles associated with the project will abide by company or public speed restrictions during all activities. In no event will vehicular traffic, within the right-of-way exceed ten miles per hour.

20. All materials, trash, and other debris will be removed from the right-of-way and access roads during construction and following final reclamation.

21. The holder will be required to apply for and maintain a pesticide use proposal (PUP). Once approved for a PUP, the holder will be required to treat the infestations using the WRFO Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. Non-native or invasive species must be surveyed within the road improvement footprints and within a 50 ft buffer of these disturbances. 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.

- g. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of the known *P. obcordata* population, the *A. detritalis* population, and the potential habitat between MP 18 and 34; beyond 600 meters, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any of the project area.
- h. Appropriate adjuvants such as non-ionic surfactants or methylated seed oil (MSO) will be used with each herbicide as necessary.
- i. Indicator dyes will be used with all herbicide.
- j. No spraying of weeds will occur outside of the project footprint area.
- k. Technicians will control weed species before they flower and set seed.
- l. Technicians will be trained to properly identify *P. obcordata* and *A. detritalis* to avoid directly impact an individual.

22. 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 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.

23. 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 holder 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.

24. 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.

25. All activities would be required to comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required State and Rio Blanco County permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.

26. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless there are safety concerns or activities are approved by the Authorized Officer.

27. 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.

28. The holder shall provide the BLM AO with data in a format compatible with the WRFO's ESRI ArcGIS Geographic Information System (GIS) to accurately locate and identify the right-of-way and all constructed infrastructure, (as-built maps) within 60 days of construction completion. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better; (2) ESRI shapefiles or geodatabases; or at last resort, (3) AutoCAD .dwg or .dxf files. Option 2 is highly preferred. In ALL cases the data must be submitted in UTM Zone 13N, NAD 83, in units of meters. Data may be submitted as: (1) an email attachment; or (2) on a standard compact disk (CD) in compressed (WinZip only) or uncompressed format. All data shall include metadata, for each submitted layer, that conforms to the Content Standards for Digital Geospatial Metadata from the Federal Geographic Data Committee standards. Questions should be directed to WRFO BLM GIS staff at (970) 878-3800. If dust becomes an issue along the Proposed Action due to traffic, access routes may require watering or some form dust abatement.

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 7/24/2012 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, E16. 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: *Kent T. Walter*
Field Manager

DATE SIGNED: *11/17/12*

