

**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-110-2013-0115-CX

CASEFILE/PROJECT NUMBER: AmendCOC74989-01

PROJECT NAME: Variances to WEP II Pipeline

LEGAL DESCRIPTION: Sixth Principal Meridian
T. 4 S., R. 104 W.,
Section 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$

APPLICANT: Enterprise Products Inc.

DESCRIPTION OF PROPOSED ACTION: Enterprise has requested two variances to the WEP II Pipeline. The variances that are requested are temporary work areas described as follows:

- 1) WEP II-VAR-08-L3 is a Level 3 variance, meaning the area requested is outside the granted right-of-way (ROW). This Temporary Use Permit will be 600 feet long and 25 feet wide, for a total area of 0.35 acres, more or less. Due to limited working space where the original pipeline route was staked, Enterprise proposes to shift the pipeline approximately 15 feet west then east from the original centerline. The pipeline shift is located within the ROW. The requested work area is located along the western margin of the new pipeline route and thus is outside the original right-of-way. This temporary work area will allow Enterprise work space for the safe installation and fabrication of the pipe.
- 2) WEP II-VAR-09-L3 is a Level 3 variance, meaning the area requested is outside the granted ROW. This Temporary Use Permit will be triangular in shape, measuring 55 feet north/south x 200 feet east/west for a total area of .12 acres, more or less. This temporary work area is located entirely within a previously disturbed area used by previous pipeline installation. This work area will provide space for the purpose of storing topsoil created from the pipeline crossing the county road. A large bell hole will be needed in order to get the pipe to be installed at an angle. Again, Enterprise will be shifting the pipeline approximately 15 feet west to parallel the western margin of existing pipelines.

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, E19: *“Issuance of short-term(3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.”*

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

Extraordinary Circumstance	YES	NO
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 8/20/2013. 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	8/21/2013
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	8/23/2013
Heather Woodruff	Range Management Specialist/Ecologist	Special Status Plant Species	8/23/2013

REMARKS:

Cultural Resources: The proposed variance requests have had additional Class III Inventory work for those areas that are outside of the original pipeline inventory (Goodrick 2013a, 2013b, Ficenec et al 2012) with no cultural resources beyond the previously identified Uintah Railroad grade in the immediate project vicinity.

Native American Religious Concerns: Consultation with all interested tribes was undertaken for DOI-BLM-CON-2011-0001-EA and no concerns were identified at that time.

Paleontological Resources: The proposed variances are located in an area generally mapped as the Upper Mesa Verde formation (Tweto 1979) which the BLM has classified as a Potential Fossil Yield Classification (PFYC) 5 formation. PFYC 5 formations are known to produce scientifically noteworthy fossil resources (cf. Armstrong and Wolny 1989). Any excavations that result in excavations into the underlying sedimentary rock could expose and/or destroy fossil

resources, particularly at the requested WEPII-VAR 08-L3 location. Any loss of fossil resources would constitute a permanent, irreversible and irretrievable loss of data to the regional paleontological database.

Special Status Wildlife Species: There are no special status wildlife species that are known to inhabit or derive important use from the project area. All disturbance associated with the Proposed Action are located immediately adjacent to an existing, well-traveled road or within existing disturbance. All wildlife issues were adequately addressed in DOI-BLM-CON-2011-0001-EA and there are no additional concerns associated with the Proposed Action.

Special Status Plant Species: A population of Rollins cryptantha (*Cryptantha rollinsii*) occurs within 100 meters of the WEP II-VAR-09-L3 variance site. This cryptantha site was surveyed in May 2010 by the BLM. As stated in DOI-BLM-CON-2011-0001-EA, Enterprise resurveyed these areas and no plants were relocated at the time of the survey in 2011, however this does not mean those plants still do not persist in that population. If the project is not completed in three years, it is recommended that plant surveys be redone. All new disturbance associated with the Proposed Action is located immediately adjacent to an existing, well-traveled road or within existing disturbance. New disturbance will create dust that can cause harm to the sensitive plant species. New disturbance can additionally remove potential pollinator habitat; pollinators are important when it comes to pollination of forb plant species.

REFERENCES CITED

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis.

Ficenec, Robert, Stacy Goodrich, David Johnson and Jana Pastor

2012 Class III Cultural Resource Inventory for the Enterprise Mid-America Pipeline Western Expansion II Project Garfield, Mesa, and Rio Blanco Counties in Northwestern Colorado. Western Archaeological Services, Rock Springs, Wyoming. (SHPO # MC.LM.R641)

Goodrich, Stacy

2013a Letter Report to Michael Selle, WRFO Archaeologist Re: Class III Inventory of Enterprise WEPII Compressor Area Proposed Temporary Use Area (WEPII Variance 08-L3). Western Archaeological Services, Rock Springs, Wyoming.

2013b Letter Report to Michael Selle, WRFO Archaeologist Re: Class III Inventory of Enterprise WEPII #2 Reroute Proposed Temporary Use Area (WEPII Variance 09-L3). Western Archaeological Services, Rock Springs, Wyoming.

Tweto, Ogden

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

MITIGATION:

1. All applicable terms and conditions contained in the original right-of-way grant COC74989 and the temporary use permit, COC74989-01 shall be carried forward and remain in full force and effect.
2. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
3. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The 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.
4. 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.
5. Special mitigation measures for the Uintah Railroad road bed have been identified in the original grant and shall be followed for both requested variances/temporary use areas.
6. 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.
7. 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.

8. 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.

9. During pipeline construction dust suppression on all access roads and pipeline sections located near mapped special status plant species (SSPS) populations will be applied. Dust suppression will be accomplished only with fresh water free of any chemicals, oils or solvents.

10. Three forbs (sulfur flower buckwheat, Lewis flax, and scarlet globemallow) would be added to the already recommended BLM seed mix for the WEP II-VAR-09-L3 variance site. The forbs were added to enhance pollinator habitat in the reclaimed area. By adding additional forbs in the seed mix, the reclaimed area may support pollinators that lost habitat during the construction phase of the project. Recommended pounds for each species are listed below:

1. Sulfur flower buckwheat; 2 pounds
2. Maple Grove Lewis flax; 1 pound
3. Scarlet globemallow; .5 pounds

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by Nelson Consulting Inc. during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

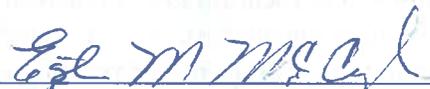
NAME OF PREPARER: Janet Doll

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

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, E19. 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:


Acting Field Manager

DATE SIGNED: 8/27/13

ATTACHMENTS: Exhibit A-Map
 Exhibit B-Stipulations



Enterprise Variances WEP II Pipeline COC74989-01

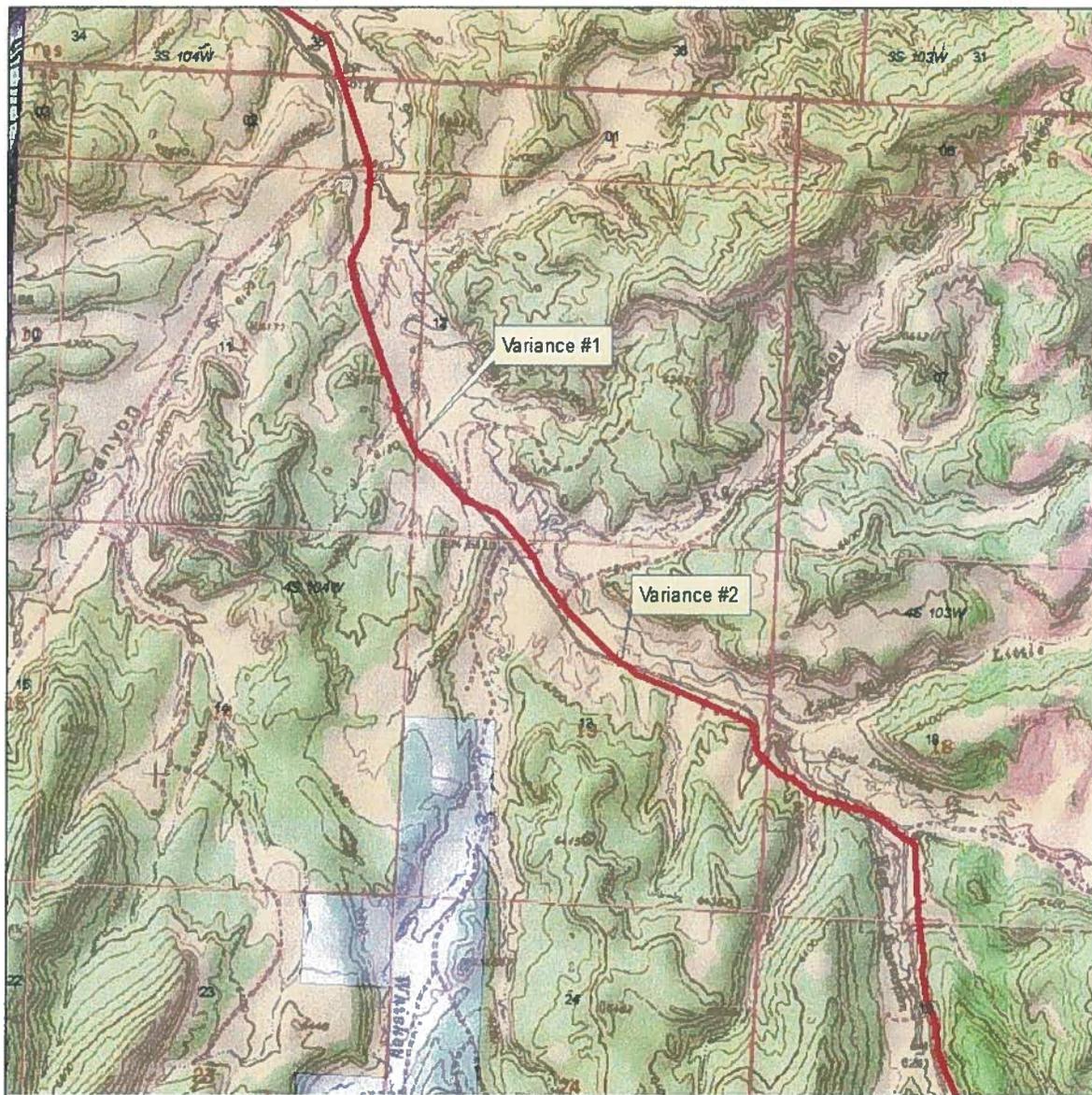


Exhibit A

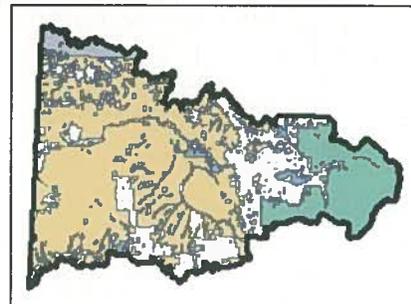
— Projects_line.lyr selection



0 0.15 0.3 0.6 Miles

Sources:
BLM, USGS, CDOW, etc.

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



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220 E Market St
Meeker, CO 81641**

DECISION RECORD

PROJECT NAME: Variances to WEP II Pipeline

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2013-0115-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0115-CX, authorizing the construction, operation, and maintenance of two variances to the WEP II Pipeline.

Mitigation Measures

1. All applicable terms and conditions contained in the original right-of-way grant COC74989 and the temporary use permit, COC74989-01 shall be carried forward and remain in full force and effect.
2. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
3. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The 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.
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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

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, E19. 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:

8/27/13

