

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

Section 390

Categorical Exclusion for Oil and Gas Development

NUMBER: DOI-BLM-CO-N05-2014-0104-CX

CASEFILE/PROJECT NUMBER: COC47666X

PROJECT NAME: XTO's request to apply mag chloride on CR 76

LEGAL DESCRIPTION: T. 2 S., R. 96 W., Sec. 8, 18, 6th Principle Meridian
T. 2 S., R. 97 W., Sec. 13, 6th Principle Meridian

APPLICANT: XTO Energy Inc.

DESCRIPTION OF PROPOSED ACTION: XTO Energy Inc. requests permission to apply Mag Chloride for dust control on a portion of the access road beginning where CR 76 and 3A intersect (N39 degrees 52.883 feet, W108 degrees 11.553 feet), ending at the end of CR 76 (right before PCU 297-13A well pad in T. 2 S., R. 97 W., Sec. 13 (N39 degrees 52.883 feet, W108 degrees 13.527 feet). Total distance equals approximately 2.6 miles.

Decision to be Made: The Bureau of Land Management (BLM) will decide whether or not to approve XTO's request to apply mag chloride on CR 76.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM Manual 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 2-5

Decision Language: "Make federal oil and gas resources available for leasing and development in a manner that provides reasonable protection for other resource values."

CATEGORICAL EXCLUSION REVIEW: The Energy Policy Act of 2005 (P.L. 109-58) prescribed five categorical exclusions (CX) for activities whose purpose is for the exploration of oil or gas.

The Proposed Action qualifies as a categorical exclusion under the Section 390 of the Energy Policy Act, #5: “*Maintenance of a minor activity, other than any construction or major renovation of a building or facility.*”

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 7/1/2014. A 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	8/8/2014
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	7/14/2014
Justina Thorsen	Ecologist	Special Status Plant Species	7/7/2014

REMARKS:

Cultural Resources: The proposed magnesium chloride spraying area has been covered in full or in part by portions of at least two Class III (100 percent) pedestrian inventories.(Kintz 2009 compliance dated 5/18/2009, Gruebel *et al* 2008 compliance dated 5/4/2009). The inventories have not identified any surface manifestations of cultural resources along and immediately adjacent to the county road. Provided the chemicals are not sprayed outside the disturbance area identified by the limit of the road and barrow ditch there should be no new impacts to 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 proposed action is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM has categorized as a Potential Fossil Yield Classification (PFYC) 5 formation indicating that it is known to produce scientifically noteworthy fossil resources (c. Armstrong and Wolny 1989, Bilbey *et al* 2011 compliance dated 4/1/2011). Unless it is applied in excessive quantities where the formation of hydrochloric acid might be possible – which could erode or dissolve fossils, there should be no new direct impacts to known fossil resources.

Threatened and Endangered Wildlife Species: The Proposed Action would have no effective influence on any wildlife species or habitat. In the context of flow depletion from endangered fish habitat in the Upper Colorado River basin, the use of water (here as a mixing agent) as a dust suppressant is integral with water use volumes reported annually to the Colorado State Office and U.S. Fish and Wildlife Service for well drilling and completions.

Threatened and Endangered Plant Species: No occupied or suitable habitat for special status species plants exists within 600 meters of the Proposed Action. There are no issues or concerns for special status plant species associated with the Proposed Action.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

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

Bilbey, Sue Ann, Evan Hall and Quinn Hall

2011 Paleontological Final Monitoring Report: Exxon Mobil Corporation North Piceance Creek Unit Pipeline, Township 2 South, Range 96 West, Sections 5, 6, 7, 8, 17, & 18, Township 1 South, Range 96 West, Section 31, Township 1 South, Range 97 West, Section 36, Bureau of Land management. Uinta Paleontological Associates, Inc., Vernal Utah. (11-115-08: OAHP # RB.LM.R1237)

Gruebel, Rand A, Jennifer L. Mueller and Alan D. Reed

2008 Class III Cultural Resource Inventory of the Planned Piceance Lateral Pipeline, Rio Blanco and Moffat Counties, Colorado, and Sweetwater and Caron Counties, Wyoming. Alpine Archaeological Consultants, Inc., Montrose, Colorado. (09-83-01: OAHP # MC.LM.R483)

Kintz, Kimberly

2009 ExxonMobil Corporation: A Class III Cultural Resources Inventory of the proposed Produced Water Line from PCU 296-17A to PCU 23-18, in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Grand Junction, Colorado. (09-54-29: OAHP # RB.LM.NR2115)

Tweto, Ogden

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

MITIGATION: Standard cultural and paleontological resources mitigation includes the following:

1. The operator is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The operator will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the operator 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 operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The operator 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 or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the operator 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.

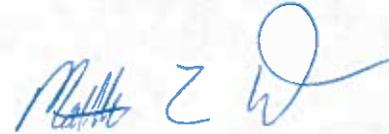
MONITORING AND COMPLIANCE: On-going compliance inspections and monitoring of drilling, production, and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions 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: Brett Smithers

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 Section 390 of the Energy Policy.

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

DATE SIGNED: 9/16/2014

ATTACHMENTS:

Figure 1. Project area map.



Figure 1. The image above illustrates the proposed segment of CR 76 where mag chloride would be applied if the Proposed Action is approved and implemented.

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DECISION

PROJECT NAME: XTO's request to apply mag chloride on CR 76

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-N05-2014-0104-CX

DECISION: It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0104-CX, authorizing the application of mag chloride on a CR 76 on the segment of road that is identified in Figure 1.

MITIGATION: Standard cultural and paleontological resources mitigation includes the following:

1. The operator is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The operator will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator, 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: Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on 7/1/2014. External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on 7/3/2014.

RATIONALE: The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy Act. The application of mag chloride will most likely result in less fugitive dust from vehicle traffic, a decrease in the volume of water that would be applied if the Proposed Action is not approved, and a decrease in water truck traffic in the project area may also result from the application of mag chloride.

ADMINISTRATIVE REMEDIES

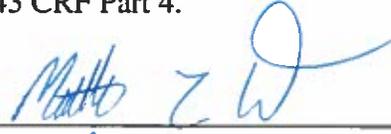
State Director Review

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CRF Part 4.

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

DATE SIGNED:

9/10/2014

