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

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-N05-2014-0127-DNA

CASEFILE/PROJECT NUMBER: Amend COC74740 (CR 5 ROW)
COC77110 (Temporary Work Areas)
Amend COC18423 (Pipeline Re-route)

PROJECT NAME: Stock Pass 17 on Rio Blanco County Road 5

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 1 N., R. 97 W.,
Section 22, S½NE¼, N½SE¼, SW¼SE¼.

APPLICANT: Rio Blanco County and Rocky Mountain Natural Gas

ISSUES AND CONCERNS: Stock Pass 17 is within 100m of occupied habitat of Dudley Bluffs twinpod.

DESCRIPTION OF PROPOSED ACTION: Rio Blanco County (RBC) is proposing improvements to County Road (CR) 5 along the entire 43-mile route, from State Highway (SH) 13 to SH 64, by implementing a series of improvement projects designed to make the roadway safer and able to accommodate heavy equipment transport. RBC Road 5 is the primary route in the Piceance Basin, providing access to residential, agricultural, and recreational land uses and potential oil and gas deposits in the Roan Plateau.

The Environmental Assessment (EA) cited below covered a series of six improvement projects that included widening, passing lanes, intersection improvements at CR 5 and SH 64, a bridge replacement, and replacement of 17 stock passes. Stock Pass 17 (near the intersection of CR 20 and CR 5) was analyzed throughout the document. The existing ROW for this portion of CR 5 is authorized in COC7697. The existing ROW is 1.71 miles long, 80 ft wide, and contains approximately 16.5 acres.

Rio Blanco County completed a structural analysis for bridge and stock pass structures along CR 5. Stock Pass 17 was determined to need replacement sooner than other structures along the corridor. In addition, hydraulic analysis completed for this structure indicated a larger structure was needed. This analysis resulted in a higher grade for CR 5 and a longer tie-in with CR 5 located on the north end of the stock pass (see Exhibit A). In the EA, the culverts were expected to be 10 ft by10 ft; however, this culvert will be 10 ft by 20 ft.

The permanent right-of-way for Stock Pass 17 (which will be an amendment to ROW COC76740) will be an irregular shaped parcel approximately 3,579.96 ft long with a maximum width of 316 ft and a minimum width of 80 ft for a total of approximately 12.2 acres. There will be two temporary work areas for the borrow area and the stock pass installation. Temporary work area #1 for the borrow area will be an irregular shaped parcel with a maximum width of 151 ft for a total of approximately 1.39 acres. Temporary work area #2 for installation of the stock pass will be a maximum width of 97 ft for a total of approximately 0.85 acres. Construction will begin in June 2015.

Pipeline re-route: To accommodate the box culvert at Stock Pass 17 along CR 5, Rocky Mountain Natural Gas will need to re-route (see Exhibit B) and lower a 150-ft segment of buried 6-inch natural gas pipeline (authorized in ROW COC18423). The re-route would be within the RBC ROW. The segment would be re-routed 30 ft to the east of the toe of the new culvert rip-rap outlet. The pipe would be buried five feet below ground for future culvert work. The temporary width of disturbance would be approximately 30 ft and would be contained within the existing Stock Pass 17 project disturbance. The work area would be re-contoured and restored.

The re-route would cross an ephemeral stream which would be restored according the US Army Corp of Engineers Nationwide Permit 12 conditions. Construction would start in early May and take approximately one week to complete. A temporary work area would be set up within the existing RBC ROW adjacent to the Stock Pass 17 work site.

Decision to be Made: The BLM will decide whether or not to issue a right-of-way for Stock Pass 17 (and associated temporary work areas and pipeline re-route), and if so, under what terms and conditions.

PLAN CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values."

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: DOI-BLM-CO-110-2011-0032-EA

Date Approved: 7/6/2012

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

   The Proposed Action is similar in location and nature to what had been previously analyzed. The Proposed Action is to enlarge the tie-in area needed for Stock Pass 17. The existing NEPA document (DOI-BLM-CO-110-2011-0032-EA) analyzed Stock Pass 17; however, in the Realty Authorization section of the document, it was noted that no right-of-way (ROW) was proposed. The current request is to enlarge the permanent ROW for Stock Pass 17 for a total acreage of 12.2 acres, more or less. The two temporary work areas for the borrow area and stock pass installation would contain a total of approximately 2.24 acres.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

   Two alternatives (Proposed Action and No Action Alternative), covering a reasonable range of alternatives, were analyzed in DOI-BLM-CO-110-2011-0032-EA. No reasons were identified to analyze additional alternatives, and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

   Review by BLM WRFO specialists in this document (DOI-BLM-CO-NO5-2014-0127-DNA) did not indicate recent endangered species listings or updated lists of BLM-sensitive species that would be affected by the Proposed Action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Review by BLM WRFO specialists in this document (DOI-BLM-CO-NO5-2014-0127-DNA) did not indicate there would be any direct, indirect, and cumulative effects from the Proposed Action that were not adequately addressed in DOI-BLM-CO-110-2011-0032-EA.

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

   Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on 9/16/2014. External scoping was conducted by posting this project on the WRFO's on-line NEPA register on 9/18/2014. As of 4/10/2014, no comments or inquiries have been received.

INTERDISCIPLINARY REVIEW:
The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 9/16/2014. 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
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	9/26/2014
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	9/18/2014
Matt Dupire	Ecologist	Special Status Plant Species	4/7/2015

REMARKS:

Cultural Resources: Grand River Institute inventoried the Stock Pass 17 area at the Class III (100 percent pedestrian) level for this project on October 7, 2014. No cultural resources were encountered during this survey. Other more recent cultural resource inventories completed in the project area (Conner *et al* 2010, compliance dated 2/25/2010 and Haymes 2009, compliance dated 11/13/2009) also did not identify any cultural resources. Based on available data, no known cultural resources would be impacted by the proposed work. However, excavations into the deep alluvium could potentially encounter previously undetected subsurface remains (*c* Berry *et al* 2012, compliance dated 10/12/2012).

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by 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 majority of the project is located in quaternary alluvium (Tweto 1979) which is not expected to produce noteworthy fossils. However, a small point just north of the intersection of CR 5 and CR 20 (where the hill comes down to the road) is in the Uinta

formation, which is categorized as a Potential Fossil Yield Classification (PFYC) 5 formation indicating it is known to produce scientifically noteworthy fossil resources (*c* Armstrong and Wolny 1989). Excavation into the underlying sedimentary rock has the potential to adversely impact fossil resources. Any destruction of fossil resources constitutes a cumulative, long term, permanent irreversible, and irretrievable loss of scientific data from the regional paleontological database.

Threatened and Endangered Wildlife Species: The Proposed Action would influence the same wildlife resources and in an identical manner and degree as those addressed in DOI-BLM-CO-110-2011-0032-EA. There are no further wildlife-related issues or concerns.

Special Status Plant Species: Plant surveys conducted by WestWater in 2011 and 2014 along CR 5 documented suitable and occupied habitat for the threatened Dudley Bluffs twinpod (*Physaria obcordata*) (PHOB) within 100 meters of Stock Pass 17. Informal consultation with the U.S. Fish and Wildlife Service (FWS) was completed and a determination of "May Affect, Unlikely to Adversely Affect" determination was made based on conservation measures applied in the mitigation section of the DNA and Biological Assessment (BA).

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny
1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Berry, Michael S, Carl E. Conner, James C. Miller, Courtney Groff and Holy Shelton
2012 Cultural Resources Monitor Report for the Construction of the Meeker to Greasewood and PCP Loop Lines in Garfield and Rio Blanco Counties, Colorado for Enterprise Products Incorporated (USA). Grand River Institute, Grand Junction, Colorado. (12-11-24: OAHP # MC.LM.R656)

Conner, Carl E., Barbara Davenport, and Dakota N. Smith
2010 Class III Cultural Resource Inventory Report for the Rio Blanco County Road 5 Project in Rio Blanco County, Colorado for EDAW‖ AECOM. Grand River Institute, Grand Junction, Colorado. (10-11-06: OAHP # RB.LM.R1195)

Haymes, Geoffrey
2009 Class III Cultural Resources Inventory for the RBC Road 5 and 20 Intersection Improvements, Rio Blanco County, Colorado. (09-10-18: OAHP # RB.LM.NR2147)

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

MITIGATION:

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

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

2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the holder must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. 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 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 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.

The following applicable mitigation from DOI-BLM-CO-110-2011-0032-EA has been carried forward:

1. Construction impacts to soil resources will be minimized by implementing measures for handling topsoil and subsoil, erosion control, compaction, and reclamation. These measures are included in construction plans and the SWMP and consist of stabilization and reclamation activities.

2. In accordance with BLM (and Rio Blanco County) standards, at the completion of construction all disturbed areas will be recontoured and seeded with a native seed mix to initiate revegetation. Reclamation work and seeding would need to occur between September and March. Depending on the site, fencing reclaimed areas may be necessary to be installed by the contractor to keep livestock out of the area until seeded vegetation is established. Rio Blanco County will be responsible for installation and maintenance of this fencing and its removal when vegetation is adequately established (two to three growing seasons).

3. Reclamation of surface disturbances in occupied, suitable or potential habitat for special status plants will use locally gathered stock or genetic stock from locally gathered native species.

4. All activities shall comply with all applicable local, State, and Federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required Federal, State, and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.

5. 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.

6. Rio Blanco County shall follow the applicant committed mitigation.

The following <u>Applicant Committed Mitigation</u> from DOI-BLM-CO-110-2011-0032-EA has been carried forward:

1. Prior to construction, Rio Blanco County will prepare a project-specific mitigation plan to minimize air quality impacts and will obtain the appropriate permits from the Colorado Department of Public Health and Environment (CDPHE) for individual CR 5 improvement projects where necessary.

2. As individual CR 5 improvement projects are developed, coordination with BLM will be undertaken for work near water bodies deemed to be "functional at-risk" or "nonfunctional" to ensure that no further degradation occurs as a result of the project, including:

   a. Providing for erosion-resistant surface drainage by adding necessary drainage facilities prior to rain or snow events. When erosion in disturbed areas is anticipated, sediment barriers would be constructed to slow runoff, allow deposition of sediment, and prevent it from leaving the site. Locate culverts or drainage dips (waterbreaks) in such a manner as to avoid discharge onto unstable terrain such as headwalls or slumps. Provide adequate spacing of these drainage features to avoid accumulation of water in ditches or road surfaces. Rio Blanco County will patrol areas susceptible to

road or watershed damage during and after periods of high runoff and monitor culvert installations to ensure proper placement and adequate armoring of inlets and outlets.

b. Rio Blanco County will keep road inlet and outlet ditches, catchbasins, and culverts free of obstructions, particularly before and during spring runoff.
c. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
d. Rio Blanco County will work with individual landowners to reroute irrigation ditches to maintain agricultural production and decreed flows.

3. Rio Blanco County will work with individual property owners to reroute irrigation ditches and return them to a functional state so agricultural production will not be disrupted. Prime farmland soils would be avoided when reasonably possible. All areas within prime farmland soils compacted by construction operations which would no longer be needed after construction would be restored and topsoil would be returned to pre-construction depths and locations.

4. Rio Blanco County will minimize impacts to wetlands and riparian areas by implementing the following mitigations measures:

a. Obtain a Section 404 permit from the USACE for activities that would require removal or modification of stream channels classified as waters of the U.S. For approval of the project, the project will need to avoid and minimize impacts to waters of the U.S. to the extent practicable.
b. Install and maintain erosion control structures to minimize potential for sediment runoff into surface waters or drainages.
c. Prohibit storage of hazardous materials, chemicals, fuels, lubricating oils, concrete coating, and refueling activities within 200 feet of wetland or riparian areas.

5. Construction activities would comply with BLM and Rio Blanco County stipulations to reduce the potential occurrence and proliferation of invasive and non-native species. As individual projects are developed, site-specific surveys for noxious weeds and weed free areas will be developed in accordance with Section 261 of the Rio Blanco County Land Use Resolution. Site-specific noxious weed treatment and monitoring plans will also be developed and disturbed areas would be revegetated.

6. BLM would require compliance with the following stipulations to lessen the potential impact from noxious and invasive plant species:

a. Construction equipment to be washed prior to entering the project area. Additionally, when construction activities encounter a noxious weed infestation, equipment should be washed before proceeding (and spreading the weeds) beyond the immediate area.
b. Conduct pre-work weed surveys.
c. Continuously survey weeds before the project is started in the spring and after the project is completed in the fall and ensure that all hay, straw, and seed used for reclamation is certified free of noxious weeds.
d. Treat weeds using BLM approved methods along the right-of-way if weeds are detected. For weed treatments on BLM lands, Pesticide Use Proposals (PUPs) would be completed and approved by the WRFO. Pesticide Application Records (PARs) would be submitted to WRFO by October 31st every year weed treatments occur.

7. In order to minimize potential impacts on rangeland and livestock, Rio Blanco County will require mitigation measures that include the following:

a. Seed disturbed areas as discussed in the Vegetation section.
b. Control noxious weeds as discussed in the Invasive, Non-Native Species section.
c. Wherever heavy traffic is expected, it may be necessary to install cattleguards with adjacent gates. Cattleguards would be installed above the existing grade and all such cattleguard/fence work would conform to BLM/CPW specifications.

8. Rio Blanco County will require that the construction water provided by the contractor is obtained from Piceance Creek or White River in accordance with the stipulations in the PBO and is recorded accordingly with the COSO. Any necessary permits to withdraw water will be obtained by the contractor.

9. Raptor surveys will be conducted prior to construction of individual improvement projects, should construction occur during nesting season (December 15 – August 15 or until young have fledged). Surveys will be conducted using approved BLM survey protocol and results will be provided to BLM biologists prior to initiation of construction activities. Appropriate timing stipulations would be applied depending on nest status, proximity of nest to construction activities, and whether or not construction activities are coincident with the nesting season (TL-01, 02, 04 and NSO-02, 03, 05). These timing stipulations would be subject to exception/modification provisions addressed in the WRFO RMP. The BLM timing restrictions will also be implemented for active raptor nests outside of BLM lands and in accordance with the Migratory Bird Treaty Act (MBTA).

10. Retaining walls will be constructed to avoid direct effects to the creek. Erosion control measures and BMPs will be implemented to prevent sediment from entering the creek.

11. When implementing individual CR 5 improvement projects, Rio Blanco County will coordinate with BLM to ensure that fish are provided adequate passage with larger culverts or major structures and measures will be taken to prevent sediment from entering water bodies where fish populations are present. The bridge replacement at Project 4 would be designed to provide safe fish passage.

12. No construction activities will be allowed from January 1 through April 30 to avoid unnecessary disturbance on mule deer severe winter ranges. All wildlife crossings and fencing associated with the Proposed Action will be designed to facilitate big game crossing of the CR 5 corridor. All design features for big game crossings and fencing (new or replacement) must be approved by CPW and BLM prior to installation.

13. Rio Blanco County will follow the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction, Section 250, to minimize impacts from hazardous or solid waste (CDOT 2011). The following measures will be required of the construction contractor:

a. Comply with all federal, state and/or local laws, rules, and regulations addressing the emission of and/or the handling, use, and release of any substance that poses a risk of harm to human health or the environment.
b. Maintain construction sites and all facilities in a sanitary condition at all times; promptly dispose of waste materials at an appropriate waste disposal site.
c. Report all emissions or releases that may pose a risk of harm to human health or the environment to the BLM White River Field Office at (970) 878-3800.
d. Provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the release of any substance that may pose a risk of harm to human health or the environment.
e. Prepare a spill prevention plan according to construction specifications.

14. Contractors will be required to minimize fugitive dust and maintain construction areas by storing trash and other materials and siting slash/debris piles in low visibility areas if possible.

15. Information regarding construction projects (specifically, detours or construction delays) will be posted by Rio Blanco County and BLM.

16. A construction phasing plan would be implemented for the CR 5 projects to maintain vehicular access for the duration of construction. Construction documents would require the contractor to maintain at least one lane of traffic open at all times during the day and, when possible, two lanes open during non-working hours. Information related to the project construction schedule and location will be made available via Rio Blanco County and BLM websites.

17. County Road 5 will be open throughout construction on all projects. Potential impacts to access for firefighting will be mitigated through limited roadway blocks or detours during the fire season from late-August through mid-September; however, access to adjoining county roads and BLM trails would be maintained to allow for emergency vehicles and fire management.

18. Contractors will be required to have an approved project specific fire management plan for accidental ignitions prior to starting work at any construction site. During construction, there shall be fire suppression equipment ready for use in the event of an accidental fire ignition as a result of construction. Fire suppression actions shall be taken in the area as directed by project specific fire management plan. In the event of an accidental ignition or natural ignition resulting in a wildland fire involving vegetation, the contractor or a representative will contact Craig Fire Dispatch so that a qualified fire crew can evaluate the situation for the safety of all crews in the area and determine the appropriate management action. If a fire extinguisher has been used, the contractor must tell the incoming crews the location of use to prevent accidental inhalation.

CR 5 Stock Pass 17 Improvement Conservation Measures for Dudley Bluffs Twinpod:

1. RBC will appoint a qualified (trained and with botanical skills), Independent Third-Party Specialist (Specialist)[1] to provide project oversight related to the protection and conservation of the nearby threatened plant species habitat and assure compliance with the terms and conditions of the approval

[1] Prior to and after contracted construction activities RBC will assume the tasks described by the term specialist. Specialist in tasks 1,2, 4, and 6c will be specified as a pay item in the construction contractor's contract.

within a 100 meters of occupied plant habitat. The Specialist must be approved by the BLM prior to project work. The Specialist will be present during surface-disturbing operations within 100 meters of existing occupied plant habitat for Stock Pass 17 until reclamation is completed. Prior to the initiation of construction, pre-work meetings will be held between the BLM, RBC, and the Specialist to discuss required procedures associated with the stipulations of approval. Before construction occurs, the BLM Ecologist (or in the event the BLM cannot provide the training, a local qualified botanist can provide the training) will train the third-party Specialist in twinpod and bladderpod identification, habitat, and the conditions of this approval. The Specialist will train the construction crew/staff on the conservation measures specified in this consultation. The BLM may also help the Specialist with this training.

2. The following items will be completed by the Specialist within 100 meters of the occupied plant habitat:

a. During construction the trained Specialist will be on-site to ensure that construction impacts within 100 meters of suitable and occupied habitats are minimized to the extent possible, and that any newly established/previously unidentified twinpod plants are protected or recorded if they are in the area of disturbance.
b. The Specialist would assist and advise the placement of the construction barrier fence to best protect twinpod habitat outside the construction footprint (see Conservation Measure 4 below).
c. The Specialist will monitor wind speeds during stock pass construction within 100 meters of occupied plant habitat. Construction within 100 meters of occupied plant habitat will not occur if winds speeds are sufficient to cause dust plumes. If RBC can apply water for dust abatement and further construction does not generate dust plumes, construction may continue with the Specialist's continued oversight. If visible dust plumes are noted, the Specialist will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change. Any evidence of dust deposition onto occupied habitat related to construction activities will be recorded by the Specialist. If significant dust deposition is documented, the BLM must be contacted and actions must be taken to remediate the impacts.
d. The Specialist will obtain photographic evidence (with date/time stamp) of construction activities to document compliance with Conditions of Approval.
e. BLM staff will be present when necessary to provide assistance and recommendations after construction begins. The Specialist will notify the BLM if their assistance is required in the field.

3. No human intrusion associated with this project is authorized outside of the authorized work areas.

4. The Specialist will help designate the authorized work areas within 100 meters of the occupied plant habitat and will monitor any violation of this measure. During construction and reclamation activities RBC will install construction barrier fence on the outer edge of disturbance within 100 meters of occupied plant habitat to identify the authorized work areas used by personnel. RBC will not locate any temporary work areas within 100 meters of the occupied plant habitat. All construction barriers will be maintained until the disturbance is stabilized. The Specialist will advise the placement of the construction barrier fence. A map will be prepared by the Specialist following the pre-construction surveys (Conservation Measure 6c).

5. Within authorized work areas, dust suppression and monitoring will occur within 100 meters of occupied plant habitat during construction. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents within 100 meters of occupied habitat.

Weed Conservation Measures

6. BLM will require compliance with the following stipulations to lessen the potential impact from noxious and invasive plant species. Unless otherwise noted, these measures will be implemented by the RBC Weed Department as part of routine activities and not specific to Stock Pass 17.

a. Construction equipment will be washed prior to entering the project area by the contractor. Additionally, when construction activities encounter a noxious weed infestation, equipment should be washed before proceeding (to avoid spreading the weeds) beyond the immediate area.
b. Prior to construction, in early Spring 2015, the RBC Weed Department will treat the infestation of Russian thistle and cheatgrass within the 100 meter buffer of occupied habitat. RBC Weed Department will continue to treat the infestation annually until it has been eradicated.
c. Conduct pre-and post-work weed surveys and treat infestations to avoid spreading them during construction activities. Pre-work surveys will identify specific weed species to treat prior to construction, and the BLM must be consulted about method of removal, type of control methods, and types of herbicides (if used, see Table 1). Surveys and weed treatments will be completed before the project is started in the spring and after the project is completed in the fall to treat immediate post-construction infestations. The contractor will monitor and, in consultation with RBC, treat noxious/invasive weeds during surface disturbance activities and when seeding is complete. RBC Weed Department will continue to monitor for weeds until reclamation is complete.

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Bromacil	1,200 feet	All
Chlorsulfuron	1,200 feet	Ground
	1,500 feet	Aerial
Clopyralid	900 feet	Ground, typical rate
	0.5 mile	Ground, maximum rate; aerial
Dicamba	1,050 feet	Ground
Diflufenzopyr	100 feet	Low boom, typical rate

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
	500 feet	Low boom, maximum rate; high boom
	900 feet	Aerial
Diquat	900 feet	Ground, typical rate
	1,000 feet	Ground, maximum rate
	1,200 feet	Aerial
Diuron	1,100 feet	All
Fluridone	0.5 mile	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Hexazinone	300 feet	Ground, typical rate
	900 feet	Ground, maximum rate
Imazapic	25 feet	Ground, typical or maximum rates
	300 feet	Aerial, typical rate
	900 feet	Aerial, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Metsulfuron Methyl	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Overdrive®	100 feet	Low boom, typical rate
	900 feet	Low boom, maximum rate; high boom
Picloram	0.5 mile	All
Sulfometuron Methyl	1,500 feet	All
Tebuthiuron	25 feet	Low boom, typical rate
	50 feet	Low boom, maximum rate; high boom, typical rate
	900 feet	High boom, maximum rate

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
Triclopyr	300 feet	Ground, typical rate
	500 feet	Aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

[1] Source: BLM 2007a
[2] See Appendix C for information related to aquatic species and other specific situations (e.g., areas vulnerable to wind erosion of treated soil.

d. Ensure that all hay, straw, and seed used for reclamation is certified free of noxious weeds.
e. Treat weeds using BLM-approved methods along the right-of-way if weeds are detected. For weed treatments on BLM lands, Pesticide Use Proposals (PUPs) will be completed and approved by the WRFO. Pesticide Application Records (PARs) will be submitted to WRFO by October 31 every year weed treatments occur.
f. If non-native or invasive species are found, RBC 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.
    i. Manual weed control will be the only treatment method used when weeds are within 50 meters of occupied or historically occupied twinpod populations.
    ii. Small infestations will be controlled manually within 50 meters of occupied twinpod populations, when possible. Glyphosate and Imazapic can be used as spot treatment outside of 50 meters. No spraying of weeds will occur outside of the project area, on, or near occupied habitat.
    iii. Weed spraying will not be permitted if winds speeds exceed 5 mph.
    iv. Appropriate adjuvants, such as non-ionic surfactants or methylated seed oil (MSO), will be used with each herbicide.
    v. Indicator dyes will be used with all herbicide.
    vi. RBC must control weeds within the Stock Pass 17 project area after obtaining a Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CA). The CA, as directed by Rio Blanco County, must comply with the herbicide buffers in Table 7 of the IWMP, at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.
    vii. The weed technicians working under the CA license must be able to correctly identify bladderpod and twinpod plants when they are implementing their control measures. The RBC Weed Department will ensure the weed technicians are trained in identification of the twinpod and bladderpod.
    viii. Technicians will control weeds species before they flower and set seed.
g. RBC must monitor the infestations within a month after herbicide treatments in case a second treatment is warranted within the same growing season. RBC must also track

adjacent twinpod populations within a month of herbicide application to detect any potential adverse effects.

h. If twinpod individuals are inadvertently sprayed, location information and number of individual plants affected will be recorded and communicated to the BLM Ecologist immediately. A cease and desist order will be issued and acceptable mitigation will be negotiated between FWS, BLM, and RBC.

i. Visual monitoring of both infestations and adjacent twinpod plants will take place to determine spraying success and spraying accuracy.

j. BLM will establish a photo point near the occupied habitat and monitor annual weeds in the vicinity of the twinpod plants annually. After 5 years, if the photo point shows a decrease in annual weeds by 50%, monitoring of the photo point will take place every other year. Infestations of annual weeds resulting from the replacement of Stock pass 17 will be treated by the RBC Weed Department as described above. Infestations of noxious/invasive weeds resulting from another activity or action will be addressed by BLM.

Reclamation Conservation Measures

7. Stock Pass 17 is located in the vicinity of threatened and endangered species and Rio Blanco County will use the seed mix listed in Table 2, unless otherwise approved by BLM prior to reclamation.

Table 2. BLM-recommended seed mix based on range sites*

Common Name and Cultivar	Scientific Name	Lbs PLS/acre	Range site
"Whitmar" Bluebunch# Wheatgrass	*Pseudoroegneria spicata ssp. Inermis*	4	Foothill Swale, Brush loam, Stony Foothill, Swale Meadow
"Rimrock" Indian Ricegrass#	*Achnatherum hymenoides*	4	
Needle and Thread Grass	*Hesperostipa comata ssp. comata*	3	
"Timp" Northern Sweetvetch	*Hedysarum boreale*	4.5	
Scarlet Globemallow	*Sphaeralcea coccinea*	0.5	
"Bandera" Rocky Mountain Penstemon	*Penstemon strictus*	0.5	
Sulphur flower	*Eriogonum umbellatum*	1.5	
Alternate seeds:			
Sandberg bluegrass	*Poa sandbergii*	2.0	

* Any substitutions will be made in consultation with BLM.

#may be increased to 4.5 PLS/acre

8. Rio Blanco County or its designee will monitor the CR 5 Stock Pass 17 Improvements for successful reclamation until released from this requirement by the BLM. BLM and RBC will meet to inspect the site for reclamation success at 3 years post-reclamation. If BLM finds that reclamation is not entirely successful and additional actions need to be applied (e.g.,

supplemental seeding) a new set of actions will be negotiated for areas not successfully reclaimed. The following standards must be met in order for reclamation to be deemed successful:

a. Adequate desirable vegetative groundcover is established on disturbed surfaces to stabilize soils following surface disturbing activities.
b. Preconstruction vegetative surveys will be conducted to establish baseline vegetative cover and diversity. Basal vegetative cover must be at least 80 percent of the desired plant community [2] as designated by BLM. The resulting plant community (in a healthy early seral state) must contain at least five desirable plant species, at least one of which must be a forb or shrub, each comprising at least 3 percent relative cover. No one species may exceed 70 percent relative cover in the resulting plant community to ensure that site species diversity is achieved. Desirable species include those defined by the range site, seeded in the BLM approved mix, or other desired species found in the surrounding areas (approved by the BLM).
c. The vegetation community established on the reclaimed site is capable of persisting on the site without continued intervention (excluding routine weed management) and will allow plant community successional processes to progress toward advanced community states.
d. Bare ground does not exceed the range/ecological site description or if not described, bare ground will not exceed that of a representative undisturbed DPC meeting the Colorado Standards for Public Land Health. BLM must approve the representative DPC to be used. Cut-face or back-slopes will be considered in reclamation success as they will have a higher portion of bare ground and rock. However, any invasive species will also be controlled in these areas.

9. A Reclamation Status Report for Stock Pass 17 will be submitted electronically to the WRFO annually until it is determined that reclamation has met all required objectives of reclamation[3].

10. In accordance with BLM standards, at the completion of construction all disturbed areas will be recontoured and seeded with a native seed mix to initiate revegetation. Reclamation work will occur between September and March. Seeding will occur, as much as possible and as much as weather will allow, between the end of October and March. Revegetation and seeding will occur, if weather allows, between October and March-with the seed mix specified. If seasonal conditions permit, spring seeding may occur as late as April to May with prior BLM approval on a case-by-case basis. The Specialist will be present for initial revegetation reclamation activities to ensure activities do not impact twinpod habitat.

11. Livestock will not be permitted to graze in the right-of-way. To keep livestock out of the area until seeded vegetation is established, RBC will consult with private landowners and request to put up a fence around the reclaimed areas where livestock will not be permitted to graze. Rio Blanco County will be responsible for installation and maintenance of this fencing and its removal when vegetation is adequately established.[4]

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[2] Desired plant community may contain species from one or a combination of the following: existing native plant community, range site, and/or the planted seed mix.

[3] Rio Blanco County's construction contractor is limited to one year of responsibility. Rio Blanco County would be responsible thereafter.

[4] Rio Blanco County's construction contractor is limited to one year of responsibility. Rio Blanco County would be responsible thereafter.

12. Water use for construction, dust suppression, and associated depletions from the Colorado River system was previously addressed by the PBO for Minor Water Depletions Associated with BLM's Fluid Mineral Program with the Upper Colorado River Basin in Colorado (ES/GJ-6-CO-08-F-0006). RBC will record any depletions from White River or Piceance Creek accordingly with the Colorado State Engineer's Office. Any necessary permits to withdraw water will be obtained by the contractor.

Right-of-Way Stipulations:

1. The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.

2. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

3. Any excavations into the deep alluvium of any of the drainages involved in the project must be monitored by an approved archaeologist.

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

NAME OF PREPARER: Janet Doll/Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL: Esther McCall

Acting Field Manager

DATE SIGNED: April 15, 2015
ATTACHMENTS: Exhibit A, Map of Proposed Action
Exhibit B, Map of Pipeline Re-route

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Rio Blanco County Road 5, Stock Pass 17

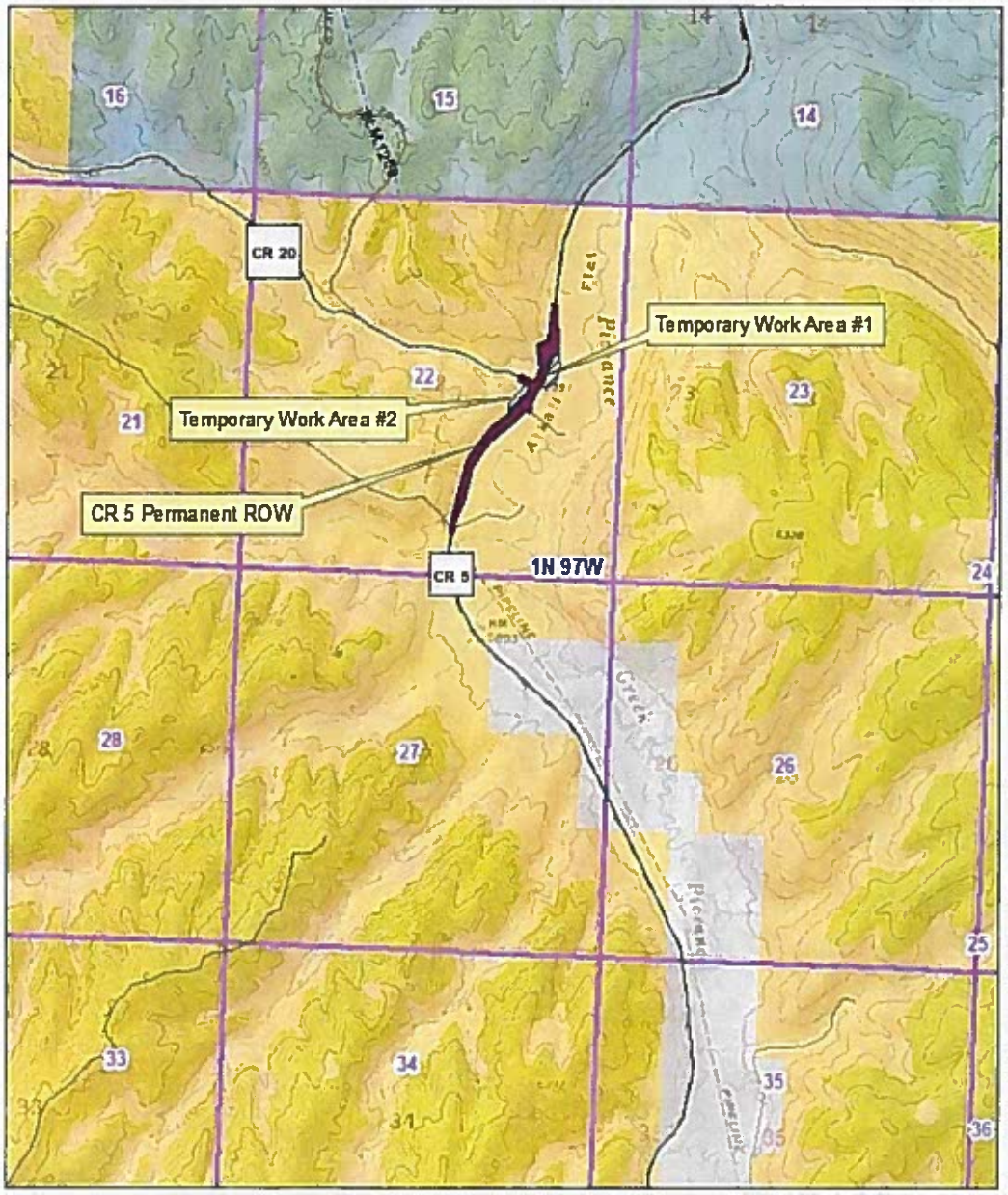

Exhibit B

Rocky Mountain Natural Gas Pipeline ROW COC18423 Re-route

March 9, 2015

Route

Existing Pipeline

Pipeline Re-route

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Source: USGS, EPA, Horizon Systems, Esri

Web AppBuilder for ArcGIS
2015 - Source Gas

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: Stock Pass 17 on Rio Blanco County Road 5

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-N05-2014-0127-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0127-DNA, authorizing the construction, operation, maintenance and termination of Stock Pass 17 and the two temporary work areas, and the re-route of the existing natural gas pipeline. This decision does not authorize the wetland mitigation plan required by the US Army Corps of Engineers Section 404 permit. RBC will submit a separate application with a plan of development to mitigate the wetland area. The wetland mitigation project will be analyzed in a separate NEPA document.

Mitigation Measures

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

2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the holder must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. 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 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 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.

6. Construction impacts to soil resources will be minimized by implementing measures for handling topsoil and subsoil, erosion control, compaction, and reclamation. These measures are included in construction plans and the SWMP and consist of stabilization and reclamation activities.

7. In accordance with BLM (and Rio Blanco County) standards, at the completion of construction all disturbed areas will be recontoured and seeded with a native seed mix to initiate revegetation. Reclamation work and seeding would need to occur between September and March. Depending on the site, fencing reclaimed areas may be necessary to be installed by the contractor to keep livestock out of the area until seeded vegetation is established. Rio Blanco County will be responsible for installation and maintenance of this fencing and its removal when vegetation is adequately established (two to three growing seasons).

8. Reclamation of surface disturbances in occupied, suitable or potential habitat for special status plants will use locally gathered stock or genetic stock from locally gathered native species.

9. All activities shall comply with all applicable local, State, and Federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required Federal, State, and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.

10. 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.

11. Rio Blanco County shall follow the applicant committed mitigation.

12. Prior to construction, Rio Blanco County will prepare a project-specific mitigation plan to minimize air quality impacts and will obtain the appropriate permits from the Colorado

Department of Public Health and Environment (CDPHE) for individual CR 5 improvement projects where necessary.

13. As individual CR 5 improvement projects are developed, coordination with BLM will be undertaken for work near water bodies deemed to be "functional at-risk" or "nonfunctional" to ensure that no further degradation occurs as a result of the project, including:

a. Providing for erosion-resistant surface drainage by adding necessary drainage facilities prior to rain or snow events. When erosion in disturbed areas is anticipated, sediment barriers would be constructed to slow runoff, allow deposition of sediment, and prevent it from leaving the site. Locate culverts or drainage dips (waterbreaks) in such a manner as to avoid discharge onto unstable terrain such as headwalls or slumps. Provide adequate spacing of these drainage features to avoid accumulation of water in ditches or road surfaces. Rio Blanco County will patrol areas susceptible to road or watershed damage during and after periods of high runoff and monitor culvert installations to ensure proper placement and adequate armoring of inlets and outlets.
b. Rio Blanco County will keep road inlet and outlet ditches, catchbasins, and culverts free of obstructions, particularly before and during spring runoff.
c. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
d. Rio Blanco County will work with individual landowners to reroute irrigation ditches to maintain agricultural production and decreed flows.

14. Rio Blanco County will work with individual property owners to reroute irrigation ditches and return them to a functional state so agricultural production will not be disrupted. Prime farmland soils would be avoided when reasonably possible. All areas within prime farmland soils compacted by construction operations which would no longer be needed after construction would be restored and topsoil would be returned to pre-construction depths and locations.

15. Rio Blanco County will minimize impacts to wetlands and riparian areas by implementing the following mitigations measures:

a. Obtain a Section 404 permit from the USACE for activities that would require removal or modification of stream channels classified as waters of the U.S. For approval of the project, the project will need to avoid and minimize impacts to waters of the U.S. to the extent practicable.
b. Install and maintain erosion control structures to minimize potential for sediment runoff into surface waters or drainages.
c. Prohibit storage of hazardous materials, chemicals, fuels, lubricating oils, concrete coating, and refueling activities within 200 feet of wetland or riparian areas.

16. Construction activities would comply with BLM and Rio Blanco County stipulations to reduce the potential occurrence and proliferation of invasive and non-native species. As individual projects are developed, site-specific surveys for noxious weeds and weed free areas will be developed in accordance with Section 261 of the Rio Blanco County Land Use Resolution. Site-specific noxious weed treatment and monitoring plans will also be developed and disturbed areas would be revegetated.

17. BLM would require compliance with the following stipulations to lessen the potential impact from noxious and invasive plant species:

a. Construction equipment to be washed prior to entering the project area. Additionally, when construction activities encounter a noxious weed infestation, equipment should be washed before proceeding (and spreading the weeds) beyond the immediate area.
b. Conduct pre-work weed surveys.
c. Continuously survey weeds before the project is started in the spring and after the project is completed in the fall and ensure that all hay, straw, and seed used for reclamation is certified free of noxious weeds.
d. Treat weeds using BLM approved methods along the right-of-way if weeds are detected. For weed treatments on BLM lands, Pesticide Use Proposals (PUPs) would be completed and approved by the WRFO. Pesticide Application Records (PARs) would be submitted to WRFO by October 31st every year weed treatments occur.

18. In order to minimize potential impacts on rangeland and livestock, Rio Blanco County will require mitigation measures that include the following:

a. Seed disturbed areas as discussed in the Vegetation section.
b. Control noxious weeds as discussed in the Invasive, Non-Native Species section.
c. Wherever heavy traffic is expected, it may be necessary to install cattleguards with adjacent gates. Cattleguards would be installed above the existing grade and all such cattleguard/fence work would conform to BLM/CDOW specifications.

19. Rio Blanco County will require that the construction water provided by the contractor is obtained from Piceance Creek or White River in accordance with the stipulations in the PBO and is recorded accordingly with the COSO. Any necessary permits to withdraw water will be obtained by the contractor.

20. Raptor surveys will be conducted prior to construction of individual improvement projects, should construction occur during nesting season (December 15 – August 15 or until young have fledged). Surveys will be conducted using approved BLM survey protocol and results will be provided to BLM biologists prior to initiation of construction activities. Appropriate timing stipulations would be applied depending on nest status, proximity of nest to construction activities, and whether or not construction activities are coincident with the nesting season (TL-01, 02, 04 and NSO-02, 03, 05). These timing stipulations would be subject to exception/modification provisions addressed in the WRFO RMP. The BLM timing restrictions will also be implemented for active raptor nests outside of BLM lands and in accordance with the Migratory Bird Treaty Act (MBTA).

21. Retaining walls will be constructed to avoid direct effects to the creek. Erosion control measures and BMPs will be implemented to prevent sediment from entering the creek.

22. When implementing individual CR 5 improvement projects, Rio Blanco County will coordinate with BLM to ensure that fish are provided adequate passage with larger culverts or major structures and measures will be taken to prevent sediment from entering water bodies where fish populations are present. The bridge replacement at Project 4 would be designed to provide safe fish passage.

23. No construction activities will be allowed from January 1 through April 30 to avoid unnecessary disturbance on mule deer severe winter ranges. All wildlife crossings and fencing associated with the Proposed Action will be designed to facilitate big game crossing of the CR 5 corridor. All design features for big game crossings and fencing (new or replacement) must be approved by CPW and BLM prior to installation.

24. Rio Blanco County will follow the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction, Section 250, to minimize impacts from hazardous or solid waste (CDOT 2011). The following measures will be required of the construction contractor:

a. Comply with all federal, state and/or local laws, rules, and regulations addressing the emission of and/or the handling, use, and release of any substance that poses a risk of harm to human health or the environment.
b. Maintain construction sites and all facilities in a sanitary condition at all times; promptly dispose of waste materials at an appropriate waste disposal site.
c. Report all emissions or releases that may pose a risk of harm to human health or the environment to the BLM White River Field Office at (970) 878-3800.
d. Provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the release of any substance that may pose a risk of harm to human health or the environment.
e. Prepare a spill prevention plan according to construction specifications.

25. Contractors will be required to minimize fugitive dust and maintain construction areas by storing trash and other materials and siting slash/debris piles in low visibility areas if possible.

26. Information regarding construction projects (specifically, detours or construction delays) will be posted by Rio Blanco County and BLM.

27. A construction phasing plan would be implemented for the CR 5 projects to maintain vehicular access for the duration of construction. Construction documents would require the contractor to maintain at least one lane of traffic open at all times during the day and, when possible, two lanes open during non-working hours. Information related to the project construction schedule and location will be made available via Rio Blanco County and BLM websites.

28. County Road 5 will be open throughout construction on all projects. Potential impacts to access for firefighting will be mitigated through limited roadway blocks or detours during the fire season from late-August through mid-September; however, access to adjoining county roads and BLM trails would be maintained to allow for emergency vehicles and fire management.

29. Contractors will be required to have an approved project specific fire management plan for accidental ignitions prior to starting work at any construction site. During construction, there shall be fire suppression equipment ready for use in the event of an accidental fire ignition as a result of construction. Fire suppression actions shall be taken in the area as directed by project specific fire management plan. In the event of an accidental ignition or natural ignition resulting in a wildland fire involving vegetation, the contractor or a representative will contact Craig Fire

Dispatch so that a qualified fire crew can evaluate the situation for the safety of all crews in the area and determine the appropriate management action. If a fire extinguisher has been used, the contractor must tell the incoming crews the location of use to prevent accidental inhalation.

30. RBC will appoint a qualified (trained and with botanical skills), Independent Third-Party Specialist (Specialist)[5] to provide project oversight related to the protection and conservation of the nearby threatened plant species habitat and assure compliance with the terms and conditions of the approval within a 100 meters of occupied plant habitat. The Specialist must be approved by the BLM prior to project work. The Specialist will be present during surface-disturbing operations within 100 meters of existing occupied plant habitat for Stock Pass 17 until reclamation is completed. Prior to the initiation of construction, pre-work meetings will be held between the BLM, RBC, and the Specialist to discuss required procedures associated with the stipulations of approval. Before construction occurs, the BLM Ecologist (or in the event the BLM cannot provide the training, a local qualified botanist can provide the training) will train the third-party Specialist in twinpod and bladderpod identification, habitat, and the conditions of this approval. The Specialist will train the construction crew/staff on the conservation measures specified in this consultation. The BLM may also help the Specialist with this training.

31. The following items will be completed by the Specialist within 100 meters of the occupied plant habitat:

a. During construction the trained Specialist will be on-site to ensure that construction impacts within 100 meters of suitable and occupied habitats are minimized to the extent possible, and that any newly established/previously unidentified twinpod plants are protected or recorded if they are in the area of disturbance.
b. The Specialist would assist and advise the placement of the construction barrier fence to best protect twinpod habitat outside the construction footprint (see Conservation Measure 33 below).
c. The Specialist will monitor wind speeds during stock pass construction within 100 meters of occupied plant habitat. Construction within 100 meters of occupied plant habitat will not occur if winds speeds are sufficient to cause dust plumes. If RBC can apply water for dust abatement and further construction does not generate dust plumes, construction may continue with the Specialist's continued oversight. If visible dust plumes are noted, the Specialist will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change. Any evidence of dust deposition onto occupied habitat related to construction activities will be recorded by the Specialist. If significant dust deposition is documented, the BLM must be contacted and actions must be taken to remediate the impacts.
d. The Specialist will obtain photographic evidence (with date/time stamp) of construction activities to document compliance with Conditions of Approval.
e. BLM staff will be present when necessary to provide assistance and recommendations after construction begins. The Specialist will notify the BLM if their assistance is required in the field.

[5] Prior to and after contracted construction activities RBC will assume the tasks described by the term specialist. Specialist in tasks 1,2, 4, and 6c will be specified as a pay item in the construction contractor's contract.

32. No human intrusion associated with this project is authorized outside of the authorized work areas.

33. The Specialist will help designate the authorized work areas within 100 meters of the occupied plant habitat and will monitor any violation of this measure. During construction and reclamation activities RBC will install construction barrier fence on the outer edge of disturbance within 100 meters of occupied plant habitat to identify the authorized work areas used by personnel. RBC will not locate any temporary work areas within 100 meters of the occupied plant habitat. All construction barriers will be maintained until the disturbance is stabilized. The Specialist will advise the placement of the construction barrier fence. A map will be prepared by the Specialist following the pre-construction surveys (Conservation Measure 35c).

34. Within authorized work areas, dust suppression and monitoring will occur within 100 meters of occupied plant habitat during construction. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents within 100 meters of occupied habitat.

Weed Conservation Measures

35. BLM will require compliance with the following stipulations to lessen the potential impact from noxious and invasive plant species. Unless otherwise noted, these measures will be implemented by the RBC Weed Department as part of routine activities and not specific to Stock Pass 17.

a. Construction equipment will be washed prior to entering the project area by the contractor. Additionally, when construction activities encounter a noxious weed infestation, equipment should be washed before proceeding (to avoid spreading the weeds) beyond the immediate area.
b. Prior to construction, in early Spring 2015, the RBC Weed Department will treat the infestation of Russian thistle and cheatgrass within the 100 meter buffer of occupied habitat. RBC Weed Department will continue to treat the infestation annually until it has been eradicated.
c. Conduct pre-and post-work weed surveys and treat infestations to avoid spreading them during construction activities. Pre-work surveys will identify specific weed species to treat prior to construction, and the BLM must be consulted about method of removal, type of control methods, and types of herbicides (if used, see Table 1). Surveys and weed treatments will be completed before the project is started in the spring and after the project is completed in the fall to treat immediate post-construction infestations. The contractor will monitor and, in consultation with RBC, treat noxious/invasive weeds during surface disturbance activities and when seeding is complete. RBC Weed Department will continue to monitor for weeds until reclamation is complete.

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Bromacil	1,200 feet	All

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
Chlorsulfuron	1,200 feet	Ground
	1,500 feet	Aerial
Clopyralid	900 feet	Ground, typical rate
	0.5 mile	Ground, maximum rate; aerial
Dicamba	1,050 feet	Ground
Diflufenzopyr	100 feet	Low boom, typical rate
	500 feet	Low boom, maximum rate; high boom
	900 feet	Aerial
Diquat	900 feet	Ground, typical rate
	1,000 feet	Ground, maximum rate
	1,200 feet	Aerial
Diuron	1,100 feet	All
Fluridone	0.5 mile	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Hexazinone	300 feet	Ground, typical rate
	900 feet	Ground, maximum rate
Imazapic	25 feet	Ground, typical or maximum rates
	300 feet	Aerial, typical rate
	900 feet	Aerial, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Metsulfuron Methyl	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Overdrive®	100 feet	Low boom, typical rate

Table 1. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
	900 feet	Low boom, maximum rate; high boom
Picloram	0.5 mile	All
Sulfometuron Methyl	1,500 feet	All
Tebuthiuron	25 feet	Low boom, typical rate
	50 feet	Low boom, maximum rate; high boom, typical rate
	900 feet	High boom, maximum rate
Triclopyr	300 feet	Ground, typical rate
	500 feet	Aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

[1] Source: BLM 2007a

[2] See Appendix C for information related to aquatic species and other specific situations (e.g., areas vulnerable to wind erosion of treated soil.

d. Ensure that all hay, straw, and seed used for reclamation is certified free of noxious weeds.
e. Treat weeds using BLM-approved methods along the right-of-way if weeds are detected. For weed treatments on BLM lands, Pesticide Use Proposals (PUPs) will be completed and approved by the WRFO. Pesticide Application Records (PARs) will be submitted to WRFO by October 31 every year weed treatments occur.
f. If non-native or invasive species are found, RBC 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.
    i. Manual weed control will be the only treatment method used when weeds are within 50 meters of occupied or historically occupied twinpod populations.
    ii. Small infestations will be controlled manually within 50 meters of occupied twinpod populations, when possible. Glyphosate and Imazapic can be used as spot treatment outside of 50 meters. No spraying of weeds will occur outside of the project area, on, or near occupied habitat.
    iii. Weed spraying will not be permitted if winds speeds exceed 5 mph.
    iv. Appropriate adjuvants, such as non-ionic surfactants or methylated seed oil (MSO), will be used with each herbicide.
    v. Indicator dyes will be used with all herbicide.
    vi. RBC must control weeds within the Stock Pass 17 project area after obtaining a Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CA). The CA, as directed by Rio Blanco County, must comply with the herbicide buffers in

Table 7 of the IWMP, at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.

vii. The weed technicians working under the CA license must be able to correctly identify bladderpod and twinpod plants when they are implementing their control measures. The RBC Weed Department will ensure the weed technicians are trained in identification of the twinpod and bladderpod.

viii. Technicians will control weeds species before they flower and set seed.

g. RBC must monitor the infestations within a month after herbicide treatments in case a second treatment is warranted within the same growing season. RBC must also track adjacent twinpod populations within a month of herbicide application to detect any potential adverse effects.

h. If twinpod individuals are inadvertently sprayed, location information and number of individual plants affected will be recorded and communicated to the BLM Ecologist immediately. A cease and desist order will be issued and acceptable mitigation will be negotiated between FWS, BLM, and RBC.

i. Visual monitoring of both infestations and adjacent twinpod plants will take place to determine spraying success and spraying accuracy.

j. BLM will establish a photo point near the occupied habitat and monitor annual weeds in the vicinity of the twinpod plants annually. After 5 years, if the photo point shows a decrease in annual weeds by 50%, monitoring of the photo point will take place every other year. Infestations of annual weeds resulting from the replacement of Stock pass 17 will be treated by the RBC Weed Department as described above. Infestations of noxious/invasive weeds resulting from another activity or action will be addressed by BLM.

Reclamation Conservation Measures

36. Stock Pass 17 is located in the vicinity of threatened and endangered species and Rio Blanco County will use the seed mix listed in Table 2, unless otherwise approved by BLM prior to reclamation.

Table 2. BLM-recommended seed mix based on range sites*

Common Name and Cultivar	Scientific Name	Lbs PLS/acre	Range site
"Whitmar" Bluebunch# Wheatgrass	*Pseudoroegneria spicata ssp. Inermis*	4	Foothill Swale, Brush loam, Stony Foothill, Swale Meadow
"Rimrock" Indian Ricegrass#	*Achnatherum hymenoides*	4	
Needle and Thread Grass	*Hesperostipa comata ssp. comata*	3	
"Timp" Northern Sweetvetch	*Hedysarum boreale*	4.5	
Scarlet Globemallow	*Sphaeralcea coccinea*	0.5	
"Bandera" Rocky Mountain Penstemon	*Penstemon strictus*	0.5	
Sulphur flower	*Eriogonum umbellatum*	1.5	

Table 2. BLM-recommended seed mix based on range sites*

Common Name and Cultivar	Scientific Name	Lbs PLS/acre	Range site
Alternate seeds:			
Sandberg bluegrass	*Poa sandbergii*	2.0	

* Any substitutions will be made in consultation with BLM.

#may be increased to 4.5 PLS/acre

37. Rio Blanco County or its designee will monitor the CR 5 Stock Pass 17 Improvements for successful reclamation until released from this requirement by the BLM. BLM and RBC will meet to inspect the site for reclamation success at 3 years post-reclamation. If BLM finds that reclamation is not entirely successful and additional actions need to be applied (e.g., supplemental seeding) a new set of actions will be negotiated for areas not successfully reclaimed. The following standards must be met in order for reclamation to be deemed successful:

a. Adequate desirable vegetative groundcover is established on disturbed surfaces to stabilize soils following surface disturbing activities.
b. Preconstruction vegetative surveys will be conducted to establish baseline vegetative cover and diversity. Basal vegetative cover must be at least 80 percent of the desired plant community [6] as designated by BLM. The resulting plant community (in a healthy early seral state) must contain at least five desirable plant species, at least one of which must be a forb or shrub, each comprising at least 3 percent relative cover. No one species may exceed 70 percent relative cover in the resulting plant community to ensure that site species diversity is achieved. Desirable species include those defined by the range site, seeded in the BLM approved mix, or other desired species found in the surrounding areas (approved by the BLM).
c. The vegetation community established on the reclaimed site is capable of persisting on the site without continued intervention (excluding routine weed management) and will allow plant community successional processes to progress toward advanced community states.
d. Bare ground does not exceed the range/ecological site description or if not described, bare ground will not exceed that of a representative undisturbed DPC meeting the Colorado Standards for Public Land Health. BLM must approve the representative DPC to be used. Cut-face or back-slopes will be considered in reclamation success as they will have a higher portion of bare ground and rock. However, any invasive species will also be controlled in these areas.

38. A Reclamation Status Report for Stock Pass 17 will be submitted electronically to the WRFO annually until it is determined that reclamation has met all required objectives of reclamation[7].

[6] Desired plant community may contain species from one or a combination of the following: existing native plant community, range site, and/or the planted seed mix.

[7] Rio Blanco County's construction contractor is limited to one year of responsibility. Rio Blanco County would be responsible thereafter.

39. In accordance with BLM standards, at the completion of construction all disturbed areas will be recontoured and seeded with a native seed mix to initiate revegetation. Reclamation work will occur between September and March. Seeding will occur, as much as possible and as much as weather will allow, between the end of October and March. Revegetation and seeding will occur, if weather allows, between October and March-with the seed mix specified. If seasonal conditions permit, spring seeding may occur as late as April to May with prior BLM approval on a case-by-case basis. The Specialist will be present for initial revegetation reclamation activities to ensure activities do not impact twinpod habitat.

40. Livestock will not be permitted to graze in the right-of-way. To keep livestock out of the area until seeded vegetation is established, RBC will consult with private landowners and request to put up a fence around the reclaimed areas where livestock will not be permitted to graze. Rio Blanco County will be responsible for installation and maintenance of this fencing and its removal when vegetation is adequately established.[8]

41. Water use for construction, dust suppression, and associated depletions from the Colorado River system was previously addressed by the PBO for Minor Water Depletions Associated with BLM's Fluid Mineral Program with the Upper Colorado River Basin in Colorado (ES/GJ-6-CO-08-F-0006). RBC will record any depletions from White River or Piceance Creek accordingly with the Colorado State Engineer's Office. Any necessary permits to withdraw water will be obtained by the contractor.

42. The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.

43. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

44. Any excavations into the deep alluvium of any of the drainages involved in the project must be monitored by an approved archaeologist.

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.

[8] Rio Blanco County's construction contractor is limited to one year of responsibility. Rio Blanco County would be responsible thereafter.

PUBLIC INVOLVEMENT
The BLM informed the public about this project by listing it on the online WRFO NEPA Register on September 18, 2014, and a copy of the completed Determination of NEPA Adequacy will be posted on the WRFO website.

RATIONALE
Rio Blanco County completed a structural analysis for bridge and stock pass structures along CR 5. Stock Pass 17 was determined to need replacement sooner than other structures along the corridor. In addition, hydraulic analysis completed for this structure indicated a larger structure was needed. To accommodate the box culvert at Stock Pass 17, Rocky Mountain Natural Gas will need to re-route and lower a 150-ft segment of buried 6-inch natural gas pipeline, all within the county road ROW. The proposal for an increase in the Rio Blanco County Road 5 permanent right-of-way and the temporary work areas for installation of Stock Pass 17, in concert with the applied mitigation, conforms to the land use plan. The NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

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 Office

SIGNATURE OF AUTHORIZED OFFICIAL: Esther M. McGill
Acting Field Manager

DATE SIGNED: April 15, 2015