

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

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N05-2014-0097-CX

CASEFILE/PROJECT NUMBER: Amend COC70980

PROJECT NAME: Removal of Kinder Morgan Plant at Yellow Creek Gas Plant

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 1 N., R. 98 W.,
section 36, lot 2.

T. 1 S., R. 98 W.,
section 1, lot 7.

APPLICANT: BOPCO, L.P.

DESCRIPTION OF PROPOSED ACTION: BOPCO proposes to remove the inactive Kinder Morgan gas treating plant equipment located at the Yellow Creek gas plant as noted on the attached map (see Exhibit A). The equipment is all above ground and rests on a cement pad that measures 156 ft by 108 ft. The gas treating equipment occupies a 106 ft by 108 ft section of the cement slab. The remainder of the slab is occupied by a building used for office space and storage.

The proposed operations are to remove only the equipment and interconnecting piping. The cement slab and the building would remain for future use. There would be no disturbance to the land surface during the removal operations. The operations would require approximately 6 weeks and 30 truckloads to remove the equipment. The operations would consist of:

- 1) Move on location with 2 four-man crews traveling in pickup trucks, two forklifts, two manlifts, two scrap bins & tools.
- 2) Lock out and tag out electrical panels. Disconnect any wiring and conduit. Crate for shipping or place in scrap bins.
- 3) Disconnect and remove interconnecting piping between equipment and place in scrap bins.
- 4) Remove control valves and crate for shipping. Blind off equipment for shipping.
- 5) Remove siding, bracing, and steel panels to facilitate removal of vessels and equipment skids.
- 6) Mobilize two cranes and load equipment on trucks, and ship same to Odessa, Texas.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

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

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

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

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E13: “*Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.*”

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

| Extraordinary Circumstance | YES | NO |
|--|-----|----|
| a) Have significant adverse effects on public health and safety. | | X |
| b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas. | | X |
| c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. | | X |
| d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | | X |
| e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | | X |
| f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | | X |
| g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau. | | X |
| h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse | | |

| Extraordinary Circumstance | YES | NO |
|---|-----|----|
| effects on designated Critical Habitat for these species. | | |
| i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. | | X |
| j) Have a disproportionately high and adverse effect on low income or minority populations. | | X |
| k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites. | | X |
| l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. | | X |

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 6/17/2014. 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 |
|------------------|--------------------|--|------------|
| Michael Selle | Archaeologist | Cultural Resources, Native American Religious Concerns | 6/23/2014 |
| Lisa Belmonte | Wildlife Biologist | Special Status Wildlife Species | 7/5/2014 |
| Heather Woodruff | Ecologist | Special Status Plant Species | 11/10/2014 |

REMARKS:

Cultural Resources: The area of the proposed plant removal was inventoried at the Class III (100 percent pedestrian) level for the gas plant expansion (Snyder 2008, compliance dated 10/7/2008) which identified no cultural resources. Removal of the building contents will not impact any known cultural resources.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Special Status Wildlife Species: There are no threatened or endangered wildlife species that are known to inhabit or derive important use from the project area. The gas plant is located in mule deer severe winter range, a specialized component of winter range that supports virtually an

entire population during the most extreme winters. These ranges receive the greatest use from December through April.

Special Status Plant Species: The federally listed Dudley Bluffs bladderpod (*Physaria congesta*) may be affected by the Proposed Action. This species is listed as threatened under the Endangered Species Act. *P. congesta* is restricted primarily to barren shale outcrops of the Thirteen Mile Creek Tongue of the Green River Formation on level or gently-sloped surfaces, though some occurrences have been documented on other members of the Green River Formation. A mapped population of *P. congesta* is known to occur on an exposure of the Yellow Creek Tongue of the Green River Formation just north of the Yellow Creek gas plant where the Kinder Morgan equipment is to be removed. Grasslands Consulting, Inc. had done previous plant surveys in 2011, 2012, and 2013 in the area documenting the occupied *P. congesta* population. However, according to the White River Field Office Standards for Contractor Inventories for Special Status Plants Species and Weed Affiliates, plant surveys are only good for three years and must be redone if three years has passed since last surveyed. The 2011 survey portions and suitable habitat surrounding the Yellow Creek gas plant needed to be re-surveyed to see if the mapped occupied *P. congesta* population had expanded. During the spring of 2014, a follow-up plant inventory was conducted by Grasslands (Grasslands 2014). The inventory concluded that the nearest edge of occupied *P. congesta* habitat was approximately 67 meters north of the Kinder Morgan equipment, and the population of *P. congesta* had slightly expanded approximately 0.36 acres.

The greatest effect to the bladderpod population as a result of the equipment removal would be the generation of fugitive dust, which may cause reduced pollinator activity or reduced individual plant and population vigor (Sharifi 1997, Trombulak and Frissell 2000, Hobbs 2001). Because the proposed project will occur entirely on existing disturbance, it will not contribute to further habitat loss or habitat fragmentation for *P. congesta* or its insect pollinators. Further, because project activities will not result in new surface disturbance, the spread of invasive species that frequently results from surface disturbing activities will not occur. Seeds of non-native and invasive species may still be introduced to the area as a result of increased vehicle traffic.

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

Table.1: Environmental Baseline Analysis for the Proposed Action.

| Plant Consideration Area - Rings | Total for Rings (within Action Area) | | Existing Disturbance (denuded) | | Existing Disturbance (revegetated) | | Existing Disturbance (total) | |
|----------------------------------|---|---------------|-----------------------------------|-------------|---------------------------------------|-------------|---------------------------------|-------------|
| | Percent of | | Percent of | | Percent of | | Percent of | |
| | Acres | Total Area | Acres | Ring | Acres | Ring | Acres | Ring |
| Occupied Habitat | 33.61 | 3.87 | 0.12 | 0.35 | 0.00 | 0.00 | 0.12 | 0.35 |
| 0 - 100 Meters | 93.26 | 10.75 | 1.89 | 2.02 | 1.21 | 1.30 | 3.10 | 3.32 |
| 100 - 300 Meters | 247.50 | 28.52 | 9.59 | 3.87 | 10.48 | 4.23 | 20.06 | 8.11 |
| 300 - 600 Meters | 493.43 | 56.86 | 18.65 | 3.78 | 37.09 | 7.52 | 55.74 | 11.30 |
| Total | 867.80 | 100.00 | 30.24 | 3.48 | 48.78 | 5.62 | 79.02 | 9.11 |

Note: Figures that do not sum correctly reflect rounding.

It was determined by BLM that because no surface disturbance was going to be occurring, no *P. congesta* individuals or occupied habitat was going to be removed, and because the operator has committed to conservation measures (applied as mitigation in this CX), the proposed equipment removal would have little effect on the *P. congesta* population. On November 6, 2014, BLM received written concurrence from US Fish and Wildlife Service (FWS) with the determination that the removal of the Kinder Morgan equipment *may affect, but is not likely to adversely affect Physaria congesta*.

REFERENCES CITED:

Grasslands Consulting, Inc. (Grasslands)

2014. Yellow Creek Rare Plant Survey Report 2014. Report Prepared for the Bureau of Land Management – White River Field Office.

Hobbs, M.L.

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

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

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

Snyder, Stephen W.

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

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

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

MITIGATION:

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. Activities associated with the removal of equipment will not be allowed from January 1 – April 30. Activities will be permitted from May 1 – December 31. An exception may be granted if the proposed activity is shown to not compromise big game animal condition within the project vicinity.
5. All removal operations will occur within the existing Yellow Creek gas plant footprint (see Figure 1).
6. Dust suppression and monitoring will occur during removal of the Kinder Morgan Plant equipment, including all de-construction, parking, equipment areas, as well as for truck traffic along County Road 20. Dust suppression will be accomplished only with fresh water free of any chemicals, oils or solvents. BOPCO (or the holder) will track and report the amount of water used in de-construction and dust suppression activities for the BLM to remain compliant with the Programmatic Biological Assessment (PBA) for water depletion in the Colorado River Basin.
7. Project activities will occur during the fall or winter (outside of *Physaria congesta* growing season).
8. BOPCO, or the grant holder, will appoint a qualified, Independent Third-Party Contractor (Contractor) to provide general project oversight and to assure compliance with the terms and conditions of this approval.

- a. Before de-construction occurs the Contractor will train the de-construction crew in bladderpod identification, habitat, and the conditions of this approval.
- b. The Contractor will be present during initial days of de-construction to ensure the de-construction barrier is properly placed. The barrier will either be lathe and fluorescent ribbon or orange snow fence with signs that read "Do not enter - environmentally sensitive area".
- c. The Contractor will randomly visit the site five to six times throughout de-construction activities to monitor dust abatement, ensure de-construction activities are occurring outside of the avoidance area, ensure all other mitigation measures are being implemented, and report any other unexpected potential direct or indirect impacts.
- d. If visible dust plumes are noted, the Contractor will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change.
- e. The Contractor will report all visits and observations in an email to the BLM project lead and BLM Ecologist.

9. BOPCO, or the grant holder, and/or an appointed Independent Third-Party Contractor will participate in a collaborative monitoring group with the BLM and the US Fish & Wildlife Service (FWS) to establish and set up long-term monitoring of *Physaria congesta* (Dudley Bluffs bladderpod) plots around the Yellow Creek gas plant. In spring 2015, a field visit will be conducted by BOPCO and/or Third Party-Contractor, BLM, and FWS to set up a monitoring protocol. The monitoring protocol will be used for future monitoring of the plots until new science becomes available.

- a. The monitoring must be statistically valid, near and far plots must demonstrate a stable or increase trend of the bladderpod population.
- b. This Biological Assessment is considered in compliance so long as long-term monitoring is being conducted and the local bladderpod trends are stable to increasing. If over time monitoring data results in a decrease population trend or negative impacts related to the Yellow Creek gas plant or monitoring does not take place, then section 7 consultation with FWS will need to be reinitiated.

10. "Sensitive area" signs will be placed 10 meters away from the northern Yellow Creek gas plant boundary fence to deter access to the bladderpod population. Signs will also deter weed spraying within the bladderpod population. Signs will be placed on metal t-posts.

11. BOPCO, or the grant holder, will install a marker of some type along the county road to better delineate the 10 MPH zone for BOPCO vehicles and BOPCO third party vehicles.

12. The Yellow Creek gas plant is graveled to help currently with dust control. Additional road grade gravel will be added (as needed) by BOPCO, or the grant holder, to help continue dust control. Additional road grade gravel will be placed in areas lacking gravel (not currently graveled) to help with long term dust control.

13. BOPCO, or the grant holder, will monitor every spring the entire ROW corridor with a buffer of 100 feet for noxious and invasive species for the life of the facility. The following mitigation measures for weed control and treatment will be employed:

- a. If non-native or invasive species are found, BOPCO will be required to treat the infestations using the White River Field Office Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA) as a compliance guideline. The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP.
- b. Proponent must prepare a Pesticide Application Record (PAR) and monitor the infestations within a month after herbicide treatments. Proponent must also monitor adjacent *Physaria congesta* and populations within a month of herbicide application to detect any potential adverse effects. These records will be provided to the BLM yearly.
- c. Manual weed control will be the only treatment method used when weeds are within five meters of occupied or historically occupied *Physaria congesta* habitat.
- d. Small infestations will be controlled manually within 30 meters of occupied *Physaria congesta* habitat, when possible.
- e. If cheatgrass infestations are too large to control manually, ground herbicide treatments may be applied at least five meters from *Physaria congesta* individuals with Imazapic (no more than six ounces per acre).
- f. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of *Physaria congesta*; beyond 600 meters from the threatened plant, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any of the project area. Indicator dyes will be used with all herbicide.
- g. BOPCO may use the Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CPA) already held by BOPCO. The CPA, as directed by BOPCO, must use the herbicides in the IWMP at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.
- h. The weed technicians working under the CPA license will be provided with information sheets so that they are able to correctly identify *Physaria congesta* when they are implementing their control measures. All technicians must be trained by a qualified botanist or WRFO staff in the identification of the threatened plant species.
- i. Technicians will control weeds species before they flower and set seed.
- j. If *Physaria congesta* is inadvertently sprayed, location information and number of individual plants affected will be recorded and communicated to the BLM WRFO Ecologist as soon as possible.

14. BOPCO (or the grant holder), with BLM assistance, will work on a long term education pamphlet for BOPCO employees working at the Yellow Creek Gas Plant. The pamphlet will inform employees about why *Physaria congesta* (Dudley Bluffs bladderpods) are threatened, proper bladderpod identification, habitat sensitivity, and proper weed spraying techniques in proximity to bladderpod plants.

15. Any activities not mentioned in the Proposed Action will require BLM or FWS approval via consultation and/or additional mitigation measures. This includes any future reclamation activities (e.g., re-seeding, soil preparation, topsoil additions, etc.), ground disturbance, additional equipment removal. The nature of the action would determine an informal or formal consultation.

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

NAME OF PREPARER: Janet Doll/Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

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

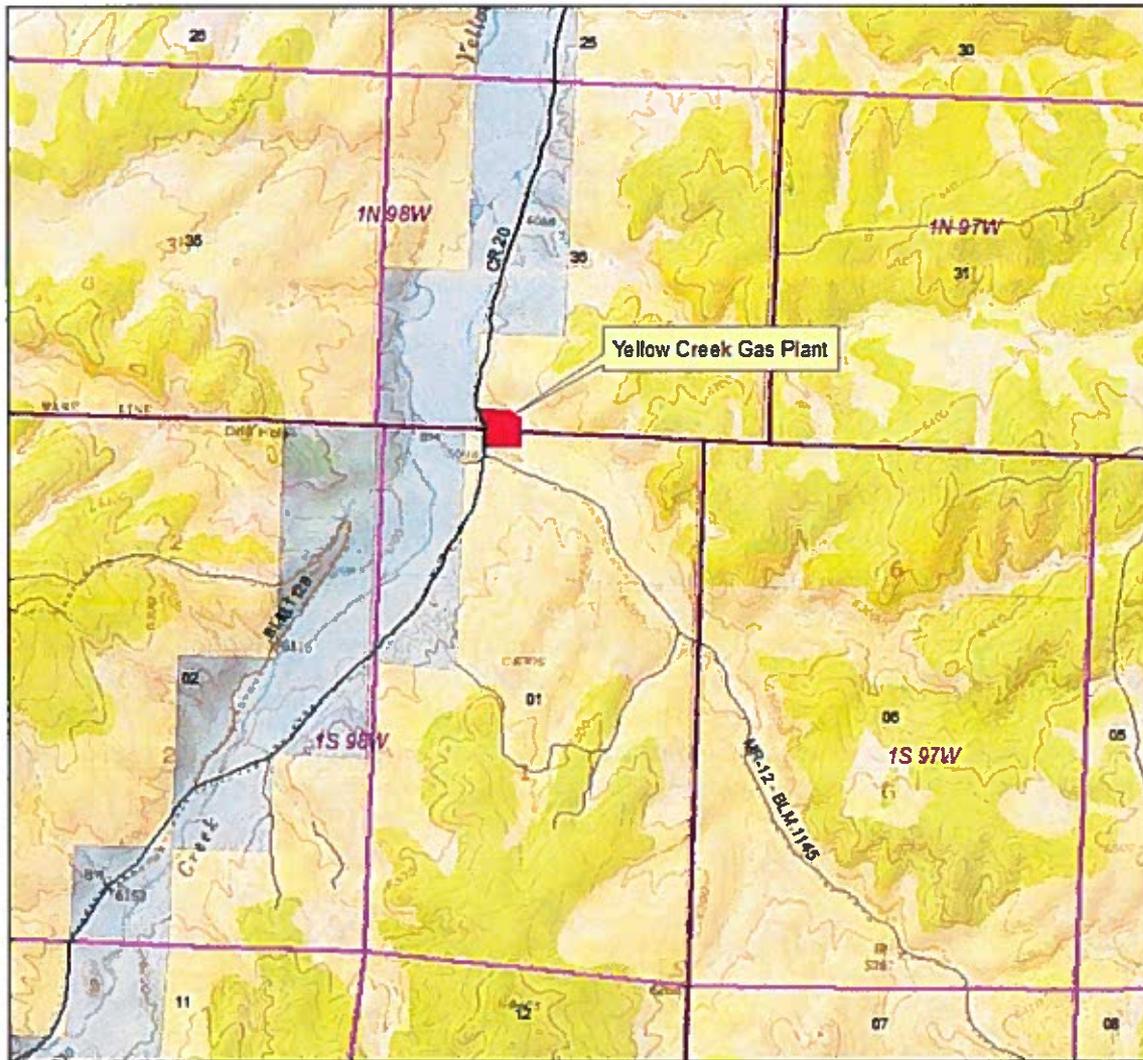
SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

DATE SIGNED: 11/13/2014

ATTACHMENTS: Exhibit A – Map of Proposed Action
Figure 1 – Yellow Creek Gas Plant Footprint

Amend COC70980 Removal of Kinder Morgan Gas Plant at Yellow Creek Gas Plant



October 2012



Sources
BLM, USGS, CDOW, etc.

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

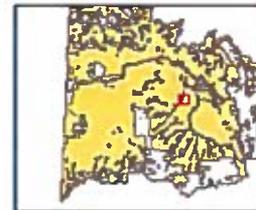
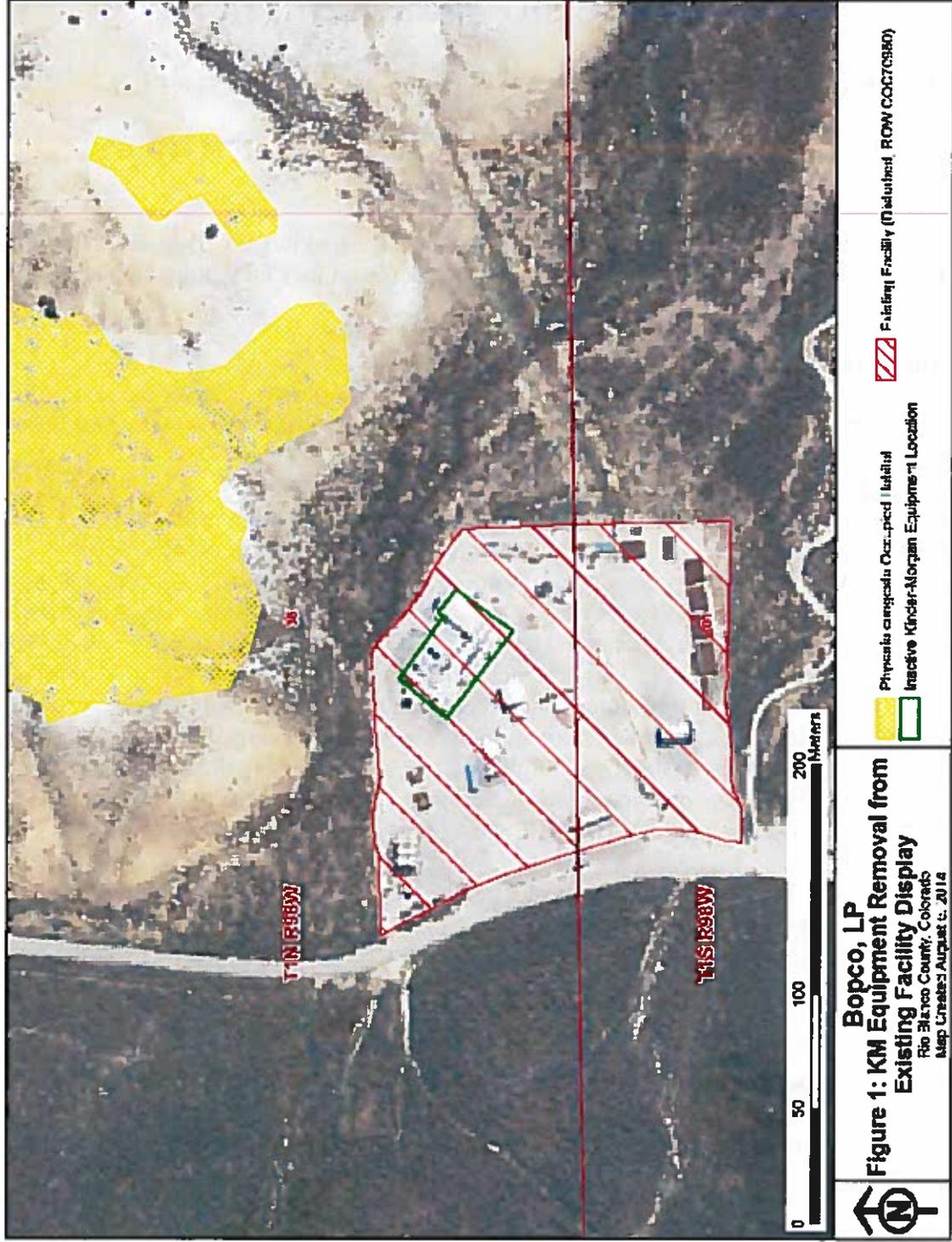


Exhibit A



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

DECISION RECORD

PROJECT NAME: Removal of Kinder Morgan Plant at Yellow Creek Gas Plant

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-N05-2014-0097-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0097-CX, authorizing the removal of the Kinder Morgan Plant located within the Yellow Creek gas plant right-of-way COC70980.

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.
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when they are implementing their control measures. All technicians must be trained by a qualified botanist or WRFO staff in the identification of the threatened plant species.

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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

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 7/3/2014 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

RATIONALE

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

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801

North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

DATE SIGNED: 11/13/2014