

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-N05-2014-0078-CX

CASEFILE/PROJECT NUMBER: Amend COC69028

PROJECT NAME: XTO Pipeline Tie-in

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 S., R. 96 W.,
Section 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

APPLICANT: XTO Energy, Inc.

DESCRIPTION OF PROPOSED ACTION: XTO Energy Inc., a subsidiary of ExxonMobil, requests a 4 inch pipeline tie-in point. This tie-in is 108 feet in length, 40 feet in width for a total disturbance of .10 acres, more or less. This tie-in will connect Exxon's 8 inch pipeline to XTO's Federal 1-96-23-12 receiver. This tie-in is needed in order to perform maintenance on the pipeline and allow for sufficient flow. It also makes it possible to "smart pig" the pipeline. The disturbed ground will be reseeded with a seed mix specified and approved by the BLM.

The project area is located within a mile of sage-grouse lek areas. No construction activities will take place between April 15 and July 15.

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 effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 5/20/2014. 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	5/27/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	6/4/2014
Justina Thorsen	Seasonal Ecologist	Special Status Plant Species	6/2/2014

REMARKS:

Cultural Resources: The area of the proposed pipeline tie-in has been inventoried at the Class III (100 percent pedestrian) level by at least four projects (Bacon-Shulte et al 2010 compliance dated 3/12/2010, Guy-Hays 2005 compliance dated 11/30/2005, Hauck 2001a compliance dated 6/11/2001, 2001b compliance dated 12/17/2001) which have not identified any cultural resources in the project area. It is unlikely that the proposed tie-in will impact any known cultural resources. However, there is a very small possibility of subsurface remains that could be impacted.

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

Paleontological Resources: The proposed pipeline tie-in is located in an area generally mapped as the Uintah Formation (Tweto 1979) which the BLM has categorized as a Potential Fossil Yield Classification (PFYC) 5 formation meaning it is known to produce scientifically noteworthy fossil resources. Trenching into the underlying sedimentary rock has the potential to impact noteworthy fossil resources. Any impacts to fossil resources from pipeline trenching would likely represent a long term, permanent, irreversible and irretrievable loss of some scientific data from the regional paleontological database.

Special Status Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. The proposed pipeline is located in preliminary priority habitat (PPH) of the greater sage-grouse, a candidate for listing under the Endangered Species Act (ESA), and a BLM sensitive species. Several historic leks and one active lek are located within less than one mile of the proposed pipeline. To avoid disrupting sage-grouse nesting activities, no construction activities will be allowed until after July 15.

Mitigation regarding timing stipulations during the sage-grouse nesting and brood-rearing periods are incorporated into the Proposed Action.

Special Status Plant Species:

There are no concerns to special status plants associated with the Proposed Action.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

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

Bacon-Schulte, Weston, Tosh McKetta, and Joel Tyberg.

2010 Class III Cultural Resource Inventory for the Proposed Piceance Creek pipeline in Rio Blanco and Garfield Counties, Colorado. Cultural Resource Analysts, Inc., Longmont, Colorado. (10-162-01: OAH # MC.LM.R561)

Guy-Hays, Heidi

2005 Cultural Resource Inventory of the Tie-ins for XTO Federal Wells 1-96-23-12 and 2S95-15-22, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield, Colorado. (05-127-07: OAH # RB.LM.NR1750)

Hauck, F. Richard

2001a Cultural Resource Evaluation of Proposed Well Locations & Pipeline Corridors in the Magnolia Locality of Rio Blanco County, Colorado. Archeological-Environmental Research Corporation, Bountiful, Utah. (01-38-06: OAH # RB.LM.NR1160)

2001b Cultural Resource Evaluations of 13 Proposed Well Locations & Pipeline/Access Corridors in the Magnolia Ridge Locality of Rio Blanco County, Colorado. Archeological-Environmental Research Corporation, Bountiful, Utah. (01-38-10: OAH # RB.LM.NR1218)

Tweto, Ogden

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

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. 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. All applicable terms, conditions, and stipulations contained in the original ROW grant (COC55578) and any amendments shall be carried forward and remain in full force and effect.
7. The holder will be responsible for monitoring the right-of-way for occurrence of noxious weeds for the life of the project and appropriately treating weeds present. The holder will implement an integrated weed management plan according to BLM Manual 9015-Integrated Weed Management (BLM 1992). The weed management plan will include the submission of a Pesticide Use Proposal (PUP) to the BLM for the use of herbicides appropriate for control/eradication of the known noxious and invasive species along the

proposed ROW including the species listed above. The PUP shall be filed in a timely manner such that weed treatment can begin in the first growing season after construction. Each fall the holder must submit a Pesticide Application Report (PAR) listing all weed treatments that occurred in association with this project.

8. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.
9. All disturbed areas shall be promptly seeded. The BLM recommends using Seed Mix #1 (see below). Use seed that is certified and free of noxious weeds. It is recommended that this site be seeded between September 1 and March 15. If an alternate date of seeding is requested, contact the designated Realty Specialist prior to seeding for approval. Seed mixture rates are Pure Live Seed (PLS) pounds per acre. Drill seeding is the preferred method of application and drill seeding depth shall be no greater than ½ inch. If drill seeding cannot be accomplished, seed should be broadcast at double the rate used for drill seeding, and harrowed into the soil.

Seed Mix 1

Variety	Common Name	Scientific Name	Rate (PLS)/ac.
Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4.5
Critana	Thickspike Wheatgrass	<i>Elymus lanceolatus</i>	3.5
Toe Jam Creek	Bottlebrush Squirreltail	<i>Elymus Elymoides</i>	3
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5
	Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1.5
	Winterfat	<i>Krascheninnikovia lanata</i>	1

10. The holder shall be responsible for achieving a reclamation success rate equal to a minimum cover and composition of 80 percent of the Desired Plant Community (as defined by the ecological site, in an early-seral state) or in relation to the seed mix applied within three growing seasons after the application of seed. This community must be capable of persisting on the site without intervention and allow for successional processes consistent with achieving the seral stage on the site prior to surface disturbance.
11. Reclamation achievement will be evaluated using the Public Land Health Standards that include Indicators of Rangeland Health. If BLM determines that reclamation success is below an acceptable level, reclamation efforts must be repeated at the holder's expense until vegetation is successfully established.

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.

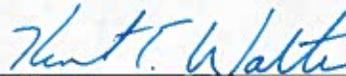
NAME OF PREPARER: Janet Doll

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:



Field Manager

DATE SIGNED:

06/09/2014

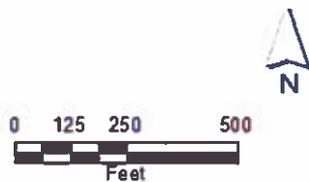
ATTACHMENTS: Maps

DOI-BLM-CO-N05-2014-0078-CX
XTO Energy Pipeline Tie-in



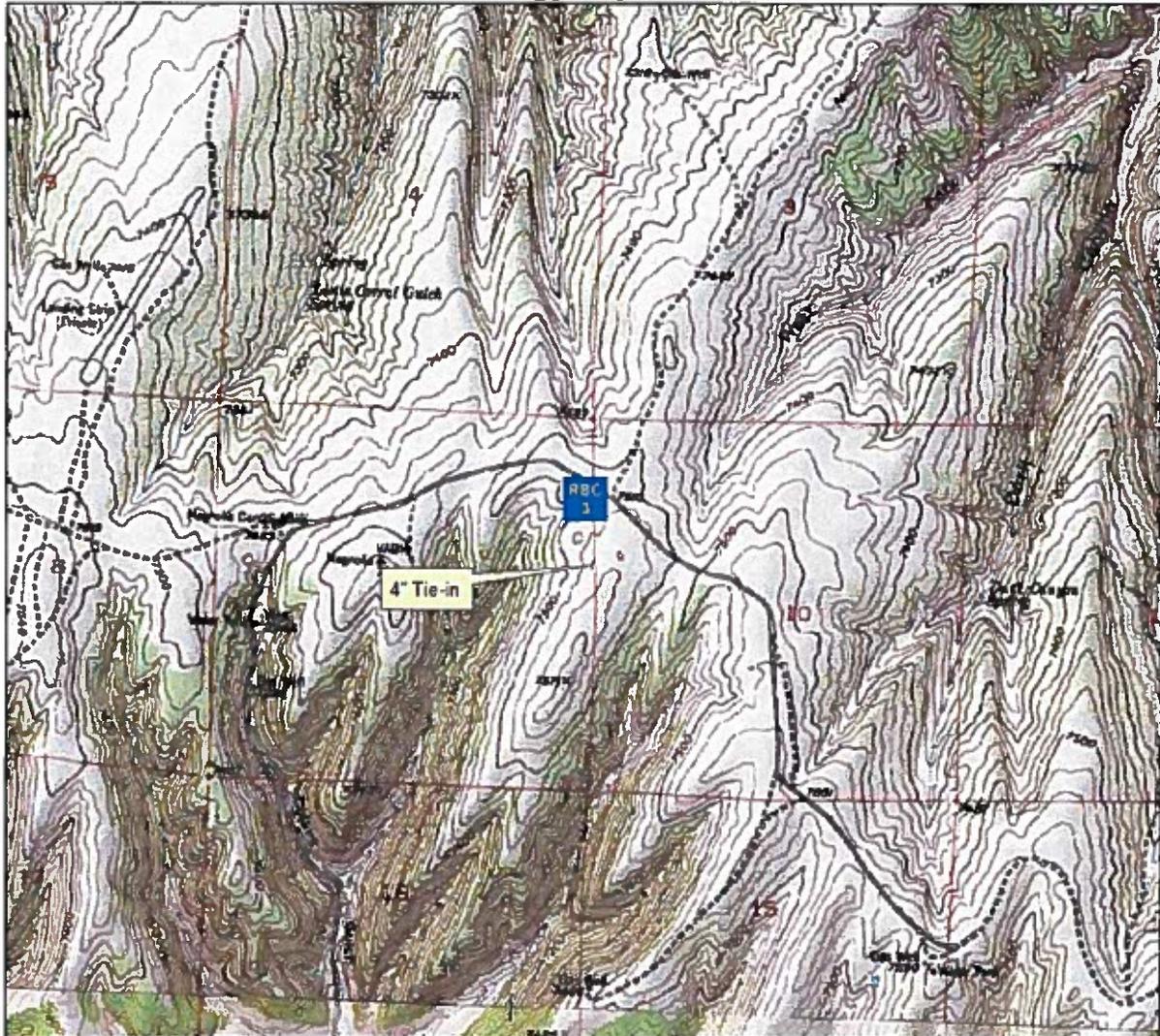
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T 2S, R 96 W 6th PM
Section 9, SENE



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**DOI-BLM-CO-N05-2014-0078-CX
XTO Energy Pipeline Tie-in**



03/11/2014

**T 2S, R 96 W 6th PM
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**U.S. Department of the Interior
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220 E Market St
Meeker, CO 81641**

DECISION RECORD

PROJECT NAME: XTO Pipeline Tie-in

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-N05-2014-0078-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0078-CX, authorizing the construction, operation, and maintenance of a 4 inch pipeline tie-in point.

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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method of application and drill seeding depth shall be no greater than ½ inch. If drill seeding cannot be accomplished, seed should be broadcast at double the rate used for drill seeding, and harrowed into the soil.

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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 5/28/2014 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

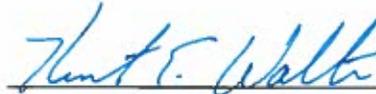
RATIONALE

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:



Field Manager

DATE SIGNED:

06/09/2014

