

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

## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-110-2014-0027-CX

CASEFILE/PROJECT NUMBER: COC74611

PROJECT NAME: XTO Energy Freshwater Pipeline ROW Renewal

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado  
T. 2 S., R. 96 W.,  
Section 18, Lots 8-10;  
T. 2 S., R. 97 W.  
Section 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Section 13, Lot 1.

APPLICANT: XTO Energy, Inc.

DESCRIPTION OF PROPOSED ACTION: XTO Energy, Inc. (hereafter XTO) submitted an application for renewal of a short term freshwater pipeline right-of-way (ROW) COC74611. The ROW expires 12/31/2013. This 4" pipeline delivers fresh water to wells being drilled on the PCU T78X-12G well pad. Some of the wells on this pad have been drilled, however, other wells are not scheduled for drilling until 2015. Therefore, XTO is requesting a three year term.

This pipeline has been previously analyzed in DOI-BLM-CO-110-2010-0238-CX and DOI-BLM-CO-110-2012-0010-CX.

No additional disturbance is authorized by this action, and all applicable terms and conditions of the original ROW grant shall be carried forward and remain in full force and effect.

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, E9: “*Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.*”

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 either the bureau of office.		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		X

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
area or actions that may promote the introduction, growth, or expansion of the range of such species.		

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 11/19/2013. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	11/25/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	11/27/2013
Heather Woodruff	Range Management Specialist/Ecologist	Special Status Plant Species	11/27/2013

REMARKS:

*Cultural Resources:* The proposed pipeline renewal route is covered by all or parts of seven Class III (100 percent pedestrian) inventories (Camp 2010 compliance dated 5/27/2010, Brogan 2006 compliance dated 3/13/2006, Brogan and Metcalf 2005 compliance dated 12/9/2005 Hauck 2001a compliance dated 5/21/2001, 2001b compliance dated, O'Brien, 1994 compliance dated 6/30/1994, Stahl 2010 Compliance dated 5/28/2010). No surface manifestations of cultural resources have been identified in the ROW area by any of the inventories. Provided there is no excavation into the underlying soils, where a potential for previously undetected resources exist, there should be no new impacts to cultural resources as a result of the Proposed Action.

*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 ROW renewal 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 ( c. Armstrong and Wolny 1989, Bilbey *et al.* 2010 compliance dated 9/9/2010). Because this pipeline renewal is for a surface pipeline, there should not be any excavation into the underlying sedimentary rock formation, therefore, it is not anticipated that there will be any new impacts to fossil resources.

*Special Status Wildlife Species:* The proposed right-of-way renewal will not require any surface disturbing activities. As such, there are no wildlife-related issues or concerns associated with the Proposed Action.

*Special Status Plant Species:* There were no special status plant (SSP) species concerns in the original CXs (DOI-BLM-CO-110-2010-0238CX and DOI-BLM-CO-110-2012-0010-CX) and no new surface disturbance will be occurring at this time, only a renewal of the short term waterline ROW. The proposed water line is located in an area with potential habitat for the Dudley Bluffs twinpod and Dudley Bluffs bladderpod, both federally listed species. The nearest known populations of both threatened species are located approximately 3 miles west of the project area. The southeastern half of the proposed water line was thoroughly surveyed for threatened plants during the 2010 blooming season by Hayden-Wing Associates. No threatened plant populations or suitable habitats were located in the survey area. Therefore, there are no SSP species concerns associated with the Proposed Action. However, if surface disturbance occurs then a new SSP survey will be required prior to any disturbance.

#### REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

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

Bilbey, Sue Ann, J. Evan Hall, Patricia E. Monaco, Peter Robinson and Quinn W. Hall

2010 Paleontological Final Monitoring Report: Exxon Mobil Corporation PCU 296-5A location, Township 2 South, Range 96 West, Section 5, Bureau of Land Management, Rio Blanco County, Colorado. Uinta Paleontological Associates, Inc., Vernal, Utah. (10-115-16: OAH # RB.LM.R1196)

Brogan, John

2006 Exxon-Mobil Corporation's Proposed Piceance Tight Gas Project (Phase I) Class III Cultural Resource Inventory in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (06-54-02: OAH # RB.LM.R1120)

Brogan, John M., and Sally J. Metcalf

2005 Exxon-Mobil Corporation's Nine Proposed Gas Well Locations and a Proposed Water Line, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf, Archaeological Consultants, Inc., Eagle, Colorado. (05-54-15: OAH # RB.LM.R1044)

Camp, Beth Ann

2010 ExxonMobil Corporation: A Class III Cultural Resources Inventory of the Proposed PCU 197-36A Flowline Alignment and PCU T78-12G Well Pad Expansion and Access in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Wheat Ridge, Colorado. (10-54-02: OAH # RB.LM.NR2131)

Hauck, F. Richard

2001a Cultural Resource Evaluation of 14 Proposed Locations & A Compressor Site Location in the Magnolia Ridge Locality of Rio Blanco County, Colorado. Archeological=Environmental Research Corporation (AERC), Bountiful, Utah. (01-38-04: OAH # RB.LM.NR1155)

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

O'Brien, Patrick K.

1994 Mobil Oil Corporation proposed Piceance creek #T11-18G Well location: Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (94-54-10: OAH # RB.LM.NR788)

Tweto, Ogden

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

Stahl, Jenny

2010 ExxonMobil Oil Corporation: A Class III Cultural Resources Inventory of the Proposed PCU 296-6C and PCU 296-18A Well Pads and Access Roads, and the Proposed PCU 296-18D Well Pad, Access Road, and Pipelines in Rio Blanco County, Colorado. (10-54-04: OAH # RB.LM.NR2133)

#### MITIGATION:

1. All applicable terms, conditions, and stipulations contained in the original ROW grant and any amendments shall be carried forward and remain in full force and effect. No new construction is authorized.
2. 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 by a third party contractor at the expense of the holder. Additional measures may be required to protect special status species or other resources.

3. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

4. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.

5. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

6. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

7. 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.

8. 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.

9. 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.

10. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils,

collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

11. 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.

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, 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, E9. 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.

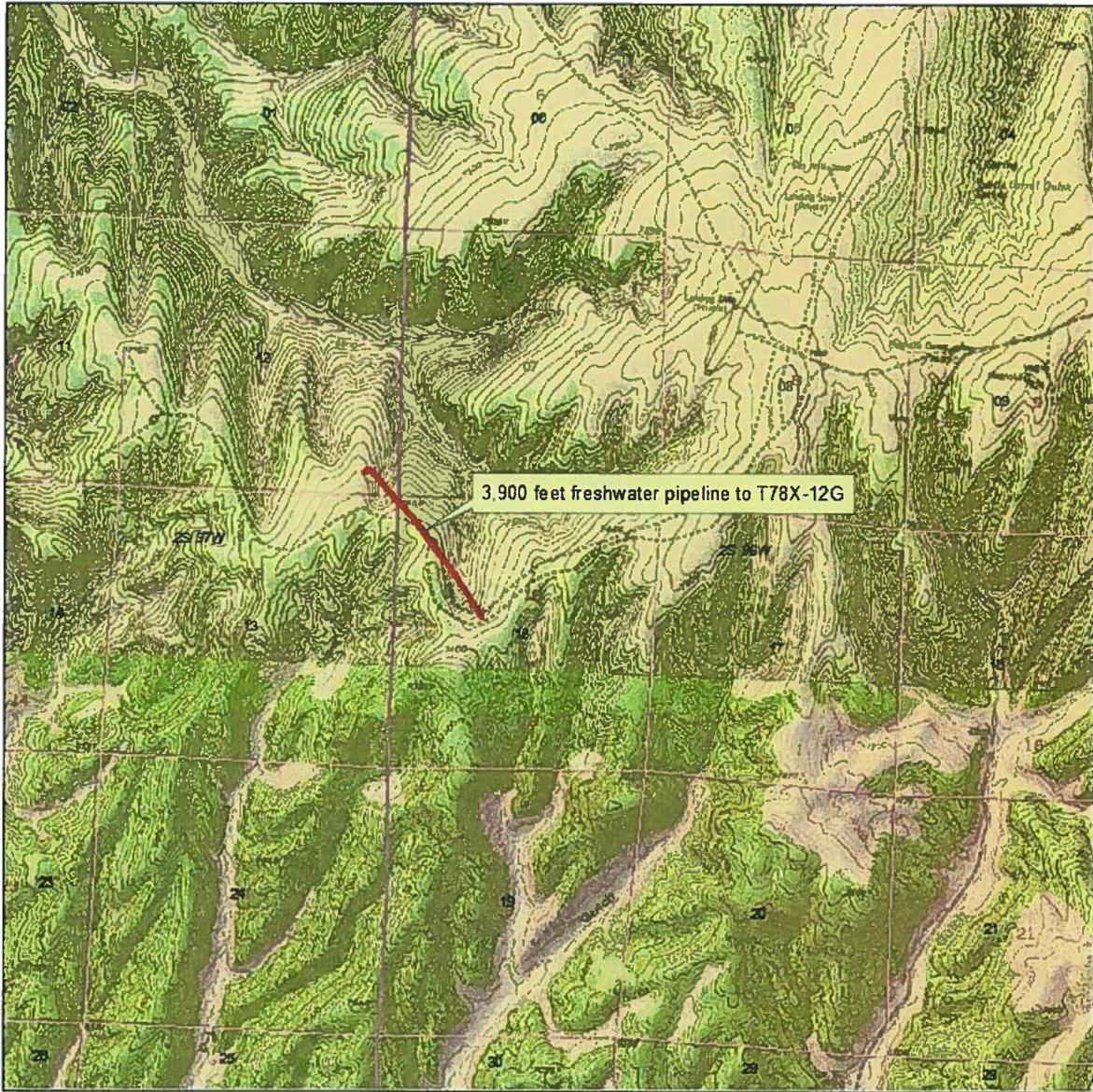
SIGNATURE OF AUTHORIZED OFFICIAL:

  
Field Manager

DATE SIGNED: 12/12/13

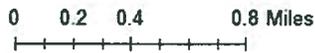
ATTACHMENTS: Exhibit A - Map of Proposed Action

# Renewal of COC74611, XTO freshwater pipeline



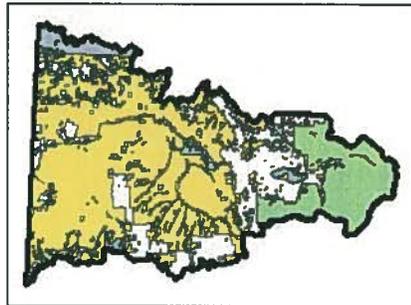
## Exhibit A

— Projects\_line.lyr selection



Sources:  
BLM, USGS, CDOW, etc.

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



**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:** XTO Energy, Inc. Freshwater Pipeline ROW Renewal

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-110-2014-0027-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2014-0027-CX, authorizing the renewal of right-of-way COC74611 for continued operation and maintenance of a freshwater pipeline.

**Mitigation Measures**

1. All applicable terms, conditions, and stipulations contained in the original ROW grant and any amendments shall be carried forward and remain in full force and effect. No new construction is authorized.
2. 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 by a third party contractor at the expense of the holder. Additional measures may be required to protect special status species or other resources.
3. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
4. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
5. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations

for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

6. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

7. 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.

8. 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.

9. 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.

10. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

11. 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.

**COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

**PUBLIC INVOLVEMENT**

A copy of the completed Categorical Exclusion will be posted on the WRFO website.

**RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9. 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:**

12/12/13