

**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-110-2014-0017-CX

**CASEFILE/PROJECT NUMBER:** COC76374 (12-inch pipeline)  
COC76375 (4-inch pipeline)  
COC76374-01 }  
COC76375-01 } Temporary Use Permits

**PROJECT NAME:** Encana Crossover Pipelines

**LEGAL DESCRIPTION:** Sixth Principal Meridian, Colorado

T. 3 S., R. 101 W., sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .	}	COC76374
T. 4 S., R. 101 W., sec. 24, E $\frac{1}{2}$ SW $\frac{1}{4}$ ; sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$ .	}	COC76375

**APPLICANT:** Encana Oil & Gas (USA), Inc.

**DESCRIPTION OF PROPOSED ACTION:** Encana Oil & Gas (USA), Inc. (Encana) has submitted applications for installation of two natural gas pipelines and temporary extra work space for construction of the pipelines. The two pipelines would be installed within existing pipeline rights-of-way (ROWs). Construction would begin December 1, 2013 and would be completed prior to January 1, 2014.

**COC76374:** Encana would install one 12-inch buried natural gas pipeline within existing ROW COC57825. The proposed pipeline length would be 1,202 ft. The pipeline would be installed within the 50 ft width of the existing ROW. However, an additional 20 ft width would be needed for temporary work space during construction of the pipeline. The temporary use permit (TUP COC76374) would be 1,202 ft long, 20 ft wide, and contain approximately 0.55 acres.

**COC76375:** Encana would install one 4-inch buried natural gas pipeline within existing ROW COC58441. The proposed pipeline length would be a total of 6,640 ft, of which 4,325 ft would be on BLM lands. The pipeline would be installed within the 30 ft width of the existing ROW. However, an additional 20 ft width would be needed for temporary work space during

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construction of the pipeline. The temporary use permit (TUP COC76375) would be 4,325 ft long, 20 ft wide, and contain approximately 1.99 acres.

**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, E12: “*Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way*” and E19: “*Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary, sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition*”.

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

Extraordinary Circumstance	YES	NO
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 11/12/2013. 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.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	12/5/2013
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	11/12/2013
Heather Woodruff	Range Management Specialist/Ecologist	Special Status Plant Species	11/13/2013

**REMARKS:**

*Cultural Resources:* COC76374: This pipeline area near the Sand Draw pumping station has been inventoried at the Class III (100 percent pedestrian) level (Davenport 2013, compliance dated 12/4/2013) with one isolated micro-flake identified in the project area. Isolated Finds (IFs) are not considered eligible for nomination to or listing on the National Register of Historic Places (NRHP). Subsurface remains that are not identifiable from surface examination are

unlikely but cannot be completely ruled out. If previously unknown subsurface remains should be encountered there could be a serious, permanent, long term, irreversible, and irretrievable loss of data from the regional archaeological database.

**COC76375:** The proposed pipeline route has been inventoried at the Class III (100 percent pedestrian) level by a number of overlapping inventories (Babcock 1982, compliance dated 7/15/1982; Conner 2004, compliance dated 7/21/2005; Hauck 1996, compliance dated 1/31/1996; and Hauck *et al* 1997, compliance dated 4/2/1997). No cultural resources have been identified within 305 meters (1,000 feet) of the proposed pipeline. However, since this project is at the confluence of two fairly large drainages, there is a high potential for subsurface remains (c.f., Berry *et al* 2012, compliance dated 10/12/2012). If previously undetected cultural artifacts or features are impacted by pipeline construction activities, there is a potential for permanent, long term, irreversible, and irretrievable loss of data from the regional archaeological database.

**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 loop pipelines are in areas generally mapped as the Upper Mesa Verde Formation (Tweto 1979), which the BLM has classified as Potential Fossil Yield Classification (PFYC) 5 formation. Formations that are classified as PFYC 5 are known to produce scientifically noteworthy fossils (c.f., Armstrong and Wolny 1989). If it becomes necessary to excavate into the underlying sedimentary rock to install the new loop lines, there is a potential to impact scientifically noteworthy fossil resources. Any loss of fossil as a result of pipeline construction would result in a long term irreversible and irretrievable loss of scientific data from the regional paleontological database.

**Special Status Wildlife Species:** The Proposed Action would have no conceivable influence on special status wildlife, including Endangered Species Act (ESA)-listed species, BLM-sensitive species, and migratory birds, from an individual, population, or habitat perspective. Effects would be confined or immediately adjacent to existing pipeline corridors in areas heavily influenced by existing forms of anthropogenic disturbance (i.e., within 200 feet of established State highways, improved well access roads, and compressor station facilities) and would take place outside important species-specific timeframes (e.g., reproductive activity).

**Special Status Plant Species:** Encana's 12-inch buried natural gas pipeline, existing ROW COC57825, and temporary work space fall within potential BLM sensitive plant habitat, but a plant survey will not be required. The area has previously been highly disturbed with the existing pipeline ROW and nearby industrial facility. The GIS layer showing the potential habitat was crudely mapped using known soil layers where sensitive plants occur, but at this time no BLM sensitive populations occur within the vicinity of the proposed pipeline COC76374 and TUP COC76374-01.

The 4-inch buried natural gas pipeline within existing ROW COC58441 is located near potential BLM sensitive plant habitat, but should have no effect on BLM sensitive plant species. There are no ESA-listed plant species that will be affected by the Proposed Action.

#### REFERENCES CITED

Armstrong, Harley J., and David G. Wolny

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

Babcock, Thomas F.

- 1982 Archaeological Survey of Northwest Pipeline Corporation's Foundation Creek Compressor Station Access Road, Rio Blanco County, Colorado. Grand River Consultants, Inc., Grand Junction, Colorado. (82-20-38: OAHP # RB.LM.NR195)

Berry, Michael, Carl Conner, James C. Miller, Courtney Groff and Holly Shelton

- 2012 Cultural Resources Monitor Report for the Construction of the Meeker, to Greasewood and PCP Loop Pipelines in Garfield and Rio Blanco Counties, Colorado for Enterprise Products Incorporated (USA). Grand River Institute, Grand Junction, Colorado (12-11-24: MC.LM.R656)

Conner, Carl E.

- 2004 Class III Cultural Resources Inventory for a proposed short Pipeline Route to the Existing EnCana Foundation Creek Com A #7401 Well Location in Rio Blanco County, Colorado. Grand River Institute, Grand Junction, Colorado. (05-11-16: OAHS # RB.LM.NR1723)

Davenport, Barbara

- 2013 Class II Cultural Resources Inventory for the Proposed 10" Crossover pipeline in Rio Blanco County, Colorado for EnCana Oil and Gas (USA) Inc. Grand River Institute, Grand Junction, Colorado. (13-11-27: OAHP # RB.LM.R1359)

Hauck, F. Richard

- 1996 Cultural Resource Evaluation of the Proposed Gas Pipeline Corridor in the Douglas Creek Canyon Locality on Rio Blanco County, Colorado. Archeological-Environmental (96-38-01: OAHP # RB.LM.R301)

Hauck, F. Richard, Glace Hadden and Brian Mueller

- 1997 Archaeological, Radar & Soil Evaluations within Conoco's 1996 Douglas Creek Pipeline Corridor in Rio Blanco County, Colorado. Archeological-Environmental Research Corporation (AERC), Bountiful, Utah. (97-38-01: OAHP # RB.LM.R320)

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. An archaeological monitor shall be required during trenching into the alluvial deposits of Douglas and Big Foundation Creeks.
5. 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 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.
6. 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 holder 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.
7. Any excavations into the underlying native sedimentary stone must be monitored by a

permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

8. 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.

9. 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.

10. 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.

11. 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.

12. All construction activity shall cease when soils or access routes become saturated to a depth of three inches unless there are safety concerns or activities are otherwise approved by the authorized officer.

13. In order to protect public land health standards for soils, erosion features such as rilling, gullyng, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.

14. All disturbed areas shall be promptly seeded with 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	Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)	
1	Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4.5	
	Critana	Thickspike Wheatgrass	<i>Elymus lanceolatus</i> ssp. <i>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	
	<b>Alternates:<sup>(1)</sup></b>				
	Sodar	Streambank Wheatgrass	<i>Elymus lanceolatus</i> ssp. <i>psammophilus</i>	3.5	
		Annual Sunflower	<i>Helianthus annuus</i>	3	
		Mat Saltbush	<i>Atriplex corrugata</i>	2	

15. 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.

16. 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.

17. As a reasonable and prudent ROW holder acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance’s status as exempt or nonexempt and regardless of fault, to the BLM WRFO (970) 878-3800.

18. As a reasonable and prudent ROW holder, acting in good faith, the holder will provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance’s status as exempt or non-exempt. Where the holder fails, refuses, or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the BLM WRFO may take

measures to clean-up and test air, water (surface and/or ground), and soils at the holder's expense. Such action will not relieve the holder of any liability or responsibility.

19. Where required by law or regulation to develop a plan for the prevention of releases or the recovery of a release of any substance that poses a risk of harm to human health or the environment, the holder will provide a current copy of said plan to the BLM WRFO.

20. With the acceptance of this authorization, the commencement of operations under this authorization, or within thirty calendar days from the issuance of this authorization, whichever occurs first, the holder, and through its agents, employees, subcontractors, successors and assigns, stipulate and agree to indemnify, defend and hold harmless the United States Government, its agencies, and employees from all liability associated with the emission or release of substances that pose a risk of harm to human health or the environment.

21. Construction sites and all facilities shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

22. The holder shall 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.

23. In accordance with the 1997 White River RMP/ROD, all trees removed in the process of construction shall be purchased from the BLM.

24. Trees that must be removed for construction shall be cut down to a stump height of six inches or less prior to heavy equipment operation. These trees shall be cut in four foot lengths (down to four inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public. Branches from cut trees will be scattered throughout the project area making sure not to creating a stockpile of wood debris.

25. All activities would be required to comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required State and Rio Blanco County permits, implementing all applicable mitigation measures required by each permit, and effectively coordinating with existing facility ROW holders.

26. The holder shall provide the BLM AO with data in a format compatible with the WRFO's ESRI ArcGIS Geographic Information System (GIS) to accurately locate and identify the ROW and all constructed infrastructure, within 60 days of construction completion. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better; (2) ESRI shapefiles or geodatabases; or at last resort, (3) AutoCAD .dwg or .dxf files. Option 2 is highly preferred. In ALL cases the data must be submitted in Universal Transverse Mercator (UTM) Zone 13N, NAD 83, in units of meters. Data may be submitted as: (1) an email attachment; or (2) on a standard compact disk (CD) in compressed (WinZip only) or uncompressed format. All data shall include metadata, for each submitted layer, that conforms to

the Content Standards for Digital Geospatial Metadata from the Federal Geographic Data Committee standards. Questions should be directed to WRFO BLM GIS staff at (970) 878-3800.

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: 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, E12 and E19. 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:

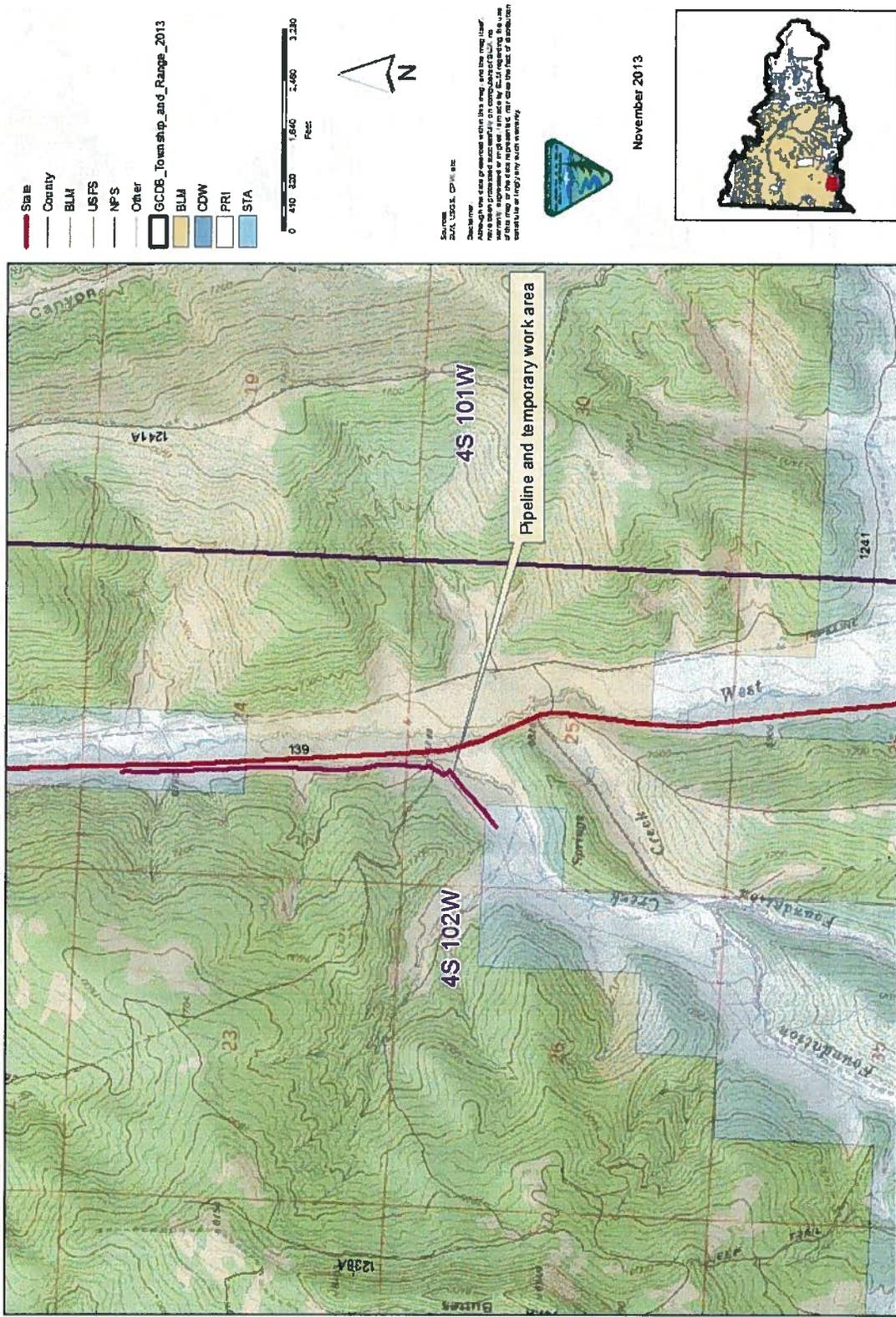
12/6/13

ATTACHMENTS: Exhibit A – Maps of Proposed Action



# Encana 4-inch Pipeline Loop and Temporary Work Area T4S, R102W, sec. 24 and 25

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:** Encana Crossover Pipelines

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-110-2014-0017-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2014-0017-CX, authorizing the construction, operation, and maintenance of natural gas pipelines within existing rights-of-way and temporary work areas for construction of the pipelines.

**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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operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.

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7. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

8. 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.

9. 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.

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14. All disturbed areas shall be promptly seeded with 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 1/2 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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	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	
	<b>Alternates:</b> <sup>(1)</sup>				
	Sodar	Streambank Wheatgrass	<i>Elymus lanceolatus</i> ssp. <i>psammophilus</i>	3.5	
		Annual Sunflower	<i>Helianthus annuus</i>	3	
		Mat Saltbush	<i>Atriplex corrugata</i>	2	

15. 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.

16. 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.

17. As a reasonable and prudent ROW holder acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the BLM WRFO (970) 878-3800.

18. As a reasonable and prudent ROW holder, acting in good faith, the holder will provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance's status as exempt or non-exempt. Where the holder fails, refuses, or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the BLM WRFO may take measures to clean-up and test air, water (surface and/or ground), and soils at the holder's expense. Such action will not relieve the holder of any liability or responsibility.

19. Where required by law or regulation to develop a plan for the prevention of releases or the recovery of a release of any substance that poses a risk of harm to human health or the environment, the holder will provide a current copy of said plan to the BLM WRFO.

20. With the acceptance of this authorization, the commencement of operations under this authorization, or within thirty calendar days from the issuance of this authorization, whichever occurs first, the holder, and through its agents, employees, subcontractors, successors and assigns, stipulate and agree to indemnify, defend and hold harmless the United States Government, its agencies, and employees from all liability associated with the emission or release of substances that pose a risk of harm to human health or the environment.

21. Construction sites and all facilities shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

22. The holder shall 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.

23. In accordance with the 1997 White River RMP/ROD, all trees removed in the process of construction shall be purchased from the BLM.

24. Trees that must be removed for construction shall be cut down to a stump height of six inches or less prior to heavy equipment operation. These trees shall be cut in four foot lengths (down to four inches diameter) and placed in manageable stacks immediately adjacent to a public road to

facilitate removal for company use or removal by the public. Branches from cut trees will be scattered throughout the project area making sure not to creating a stockpile of wood debris.

25. All activities would be required to comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required State and Rio Blanco County permits, implementing all applicable mitigation measures required by each permit, and effectively coordinating with existing facility ROW holders.

26. The holder shall provide the BLM AO with data in a format compatible with the WRFO's ESRI ArcGIS Geographic Information System (GIS) to accurately locate and identify the ROW and all constructed infrastructure, within 60 days of construction completion. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better; (2) ESRI shapefiles or geodatabases; or at last resort, (3) AutoCAD .dwg or .dxf files. Option 2 is highly preferred. In ALL cases the data must be submitted in Universal Transverse Mercator (UTM) Zone 13N, NAD 83, in units of meters. Data may be submitted as: (1) an email attachment; or (2) on a standard compact disk (CD) in compressed (WinZip only) or uncompressed format. All data shall include metadata, for each submitted layer, that conforms to the Content Standards for Digital Geospatial Metadata from the Federal Geographic Data Committee standards. Questions should be directed to WRFO BLM GIS staff at (970) 878-3800.

#### **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**

Scoping was the primary mechanism used by the BLM to initially identify external and internal issues related to the Proposed Action. Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on November 12, 2013. External scoping was conducted by posting this project on the White River Field Office's (WRFO's) on-line National Environmental Policy Act (NEPA) register on November 15, 2013. As of December 4, 2013, no comments have been received.

#### **RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E12 and E19. 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:**

12/06/13