

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

## **Section 390 Categorical Exclusion for Oil and Gas Development**

**NUMBER:** DOI-BLM-CO-N05-2014-0093-CX

**CASEFILE/PROJECT NUMBER:** COC-63731

**PROJECT NAME:** Mesa Energy Partners Canary 6601 Produced Water Line

**LEGAL DESCRIPTION:** T. 1S R. 99W Sec. 10 and 11

**APPLICANT:** Mesa Energy Partners LLC

### **BACKGROUND:**

The original proposal in DOI-BLM-CO-110-2014-0003-CX(390) was approved in October of 2013. The pipeline did not get installed due to complications with the well; this resulted in the pipeline being left on the surface on the wrong side of the road. In that process the company did not follow one of the design features committed to for plants. This resulted in an Incidence of Non Compliance (INC), and in order to remedy the INC the company had to leave the pipeline in place until plant surveys could be completed. The previous approval had strict dates associated with it, thus the additional CX.

### **DESCRIPTION OF PROPOSED ACTION:**

Mesa Energy Partners, LLC (Mesa) is proposing to install a buried water line from the Canary 6601 well to the F11X 199 well (Figure 1). This will be carrying produced water for disposal. The line will be approximately 2,500 feet long and installed in the existing pipeline corridor to the southern side of the road. The pipeline will be installed with a six foot offset of the existing gas line. The pipeline will be a four inch poly pipe to be buried with a minimum three feet of cover (except where rock outcrop makes excavation impossible). The trench width would be approximately 24 inches. The duration of the work would be three to four weeks. This work would begin summer or fall of 2014. The work would be completed with the following equipment: a crew of approximately 10 people, 5 or more small trucks for crews, one or more semi-trucks for hauling equipment and pipe, D-8 cat and D-4 trackhoe with side boom, 1 trencher or 2-3 backhoes. The trench will be backfilled and compacted to reduce erosion. Topsoil and subsoil will be segregated based on the Buckhorn Draw Master Stormwater Management Plan.

## Design Features

All trees (if any) to be cleared on the existing pipeline corridor shall be purchased prior to construction from the BLM-WRFO and disposed of by one of the following methods:

1. Trees shall be cut with a maximum stump height of six inches (6") and cut to four foot (4') lengths and stacked off location. Trees may also be dozed on pipeline routes and then pulled back onto Right-of-Way as part of final reclamation.
2. Limbs may be scattered along the pipeline route, but not dozed off.

Decision to be Made: The BLM will decide whether or not to approve the pipeline installation, and if so, under what conditions.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM Manual 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 2-5

Decision Language: "Make federal oil and gas resources available for leasing and development in a manner that provides reasonable protection for other resource values."

CATEGORICAL EXCLUSION REVIEW: The Energy Policy Act of 2005 (P.L. 109-58) prescribed five categorical exclusions (CX) for activities whose purpose is for the exploration of oil or gas.

The Proposed Action qualifies as a categorical exclusion under the Section 390 of the Energy Policy Act, #1: "*Individual surface disturbances of less than five acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to the NEPA has been previously completed.*"

### Documentation

The BLM NEPA Handbook (H-1790-1) provides specific instructions for using this CX.

*1) Is surface disturbance associated with the Proposed Action less than five acres?*

The pipeline will be in the existing corridor offset from the existing gas line, the disturbance will all be within the corridor. In the corridor the disturbance should not be more than 2.5 acres.

*2) Is there less than 150 acres of surface disturbance, including the Proposed Action, on the entire leasehold?*

There are two leases associated with this project. The first lease is COC-63731 with approximately 20 acres of total surface disturbance, and COC-62816 with approximately 30 acres of total surface disturbance. Both are less than the 150 acres of surface disturbance described above for the criteria to use this CX.

3) *Is the Proposed Action within the boundaries of an area included in a site-specific NEPA document? (The NEPA document must have analyzed the exploration and/or development of oil and gas (not just leasing) and the action/activity being considered must be within the boundaries of the area analyzed in the environmental assessment (EA) or environmental impact statement (EIS). The NEPA document need not have addressed the specific permit or application being considered.)*

There are two site-specific Environmental Assessments (EA) that cover this project area, one for the Canary 6601 location and one for the BDU F11X pad. The Canary 6601 EA (DOI-BLM-CO-110-2004-0007-EA) was signed on December 2, 2003. The EA for the BDU F11X pad (DOI-BLM-CO-110-2009-0145-EA) was signed on July 27, 2009.

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on June 3, 2014. A 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	6/10/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	7/5/2014
Justina Thorsen	Biological Technician - Plants	Special Status Plant Species	6/10/2014

**REMARKS:**

*Cultural Resources:* The area of the proposed buried frac/produce water flow line located within the well pads is covered by two inventory reports at the Class III (100 percent pedestrian) level (Conner et al. 2009 compliance dated 6/14/2009, Pool 2003 compliance dated 10/17/2003). However the proposed well access and flow line routes were not placed within the originally proposed and inventoried area and are not covered by a valid inventory data. Construction must be preliminarily examined by an approved archaeologist and monitored during construction activities.

*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 is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM has categorized as a Potential Fossil Yield Classification (PFYC) 5 formation indicating that it is known to produce scientifically noteworthy fossils (c. Armstrong and Wolny 1989)

*Threatened and Endangered Wildlife Species:* There are no wildlife-related issues or concerns associated with the Proposed Action.

*Threatened and Endangered Plant Species:* A Special Status Plant Species (SSPS) survey was performed by WestWater Engineering on May 20, 2014. Neither federally threatened nor BLM sensitive plant species were observed by the surveyor. Suitable habitat for the federally threatened species Dudley Bluffs bladderpod (*Physaria congesta*) was mapped approximately 100 meters south of the Proposed Action. The nearest known occurrence of the Dudley Bluffs bladderpod is approximately 1.5 miles to the east. The Proposed Action occurs within an existing pipeline corridor and no suitable or occupied habitat will be directly affected by project construction. Indirect effects include possible introduction and establishment of invasive species, which could affect the integrity of suitable habitat and the potential expansion range of the Dudley Bluffs bladderpod.

#### 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.

Conner, Carl E., Nicole Darnell, Barbara J. Davenport and Dakota Smith

2009 Class III Cultural Resource Inventory Report: Seven proposed Well Locations and Related Linear Routes in the Buckhorn Draw unit, (f01-199, F11-199, H0-198, J15-199, M09-299, G11-299) in Rio Blanco County, Colorado for EnCana Oil and Gas (USA) Inc. Grand River Institute, Grand Junction, Colorado (09-11-23 SHPO # RB.LM.R1162)

Pool, Kelly J.

2003 EnCana Oil and Gas (USA), Inc.'s Canary 6601 Wellpad, Access Road, and Flowline: A Class III Cultural Resource Inventory in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado (03-54-33: SHPO # RB.LM.R538)

Tweto, Ogden

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

#### MITIGATION:

1. Mesa Energy Partners, LLC 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.
2. If any paleontological resources are discovered as a result of operations under this authorization, Mesa Energy Partners, LLC 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.

3. 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.
4. Mesa Energy Partners, LLC 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.
5. 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. Mesa Energy Partners, LLC 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. Mesa Energy Partners, LLC, 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.
6. Pursuant to 43 CFR 10.4(g), Mesa Energy Partners, LLC 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), Mesa Energy Partners, LLC must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
7. Proposed well access and flow line routes were not placed within the originally proposed and inventoried area and are not covered by a valid inventory data. A cultural monitor must be present during activities on the section of roadway that was not previously inventoried from point (39.982167, -108.479753) to (39.982936, -108.481574).

**MONITORING AND COMPLIANCE:** On-going compliance inspections and monitoring of drilling, production, and post-production activities will be conducted by White River Field

Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions 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: Ryan Snyder

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 Section 390 of the Energy Policy.

SIGNATURE OF AUTHORIZED OFFICIAL:

  
Acting Field Manager

DATE SIGNED:

7/17/14

ATTACHMENTS:

Figure 1: Map depicting location of proposed pipeline installation.



Figure 1: Map depicting the location of the Proposed Action.

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

**DECISION**

**PROJECT NAME:** Mesa Energy Partners Canary 6601 Produced Water Line

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-N05-2014-0093-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0093-CX, authorizing the construction, operation, and maintenance of the produced water disposal pipeline.

**Mitigation Measures**

1. Mesa Energy Partners, LLC 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.
2. If any paleontological resources are discovered as a result of operations under this authorization, Mesa Energy Partners, LLC 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.
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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**

Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on June 3, 2014. A copy of the completed CX will be posted on the WRFO's on-line National Environmental Policy Act (NEPA) register.

### **RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy Act. The Proposed Action will be taking place all within existing disturbed areas, and will reduce the amount of needed truck traffic. There is no new surface disturbance, and the surface disturbance on the leases is less than 150 acres total.

### **ADMINISTRATIVE REMEDIES**

#### **State Director Review**

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting

documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CRF Part 4.

SIGNATURE OF AUTHORIZED OFFICIAL:

  
Acting Field Manager

DATE SIGNED:

7/17/14