UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Farmington District
Farmington Field Office
6251 N College Blvd., Ste. A
Farmington, NM 87402

DECISION RECORD

for the

Good Times Trunk 1 Phase 1 Pipeline

NEPA No. DOI-BLM-NM-FO10-2013-0169-EA

I. Decision

I have decided to select the proposed action (Alternative A) for implementation as described in the September 2013 Good Times Trunk 1 Phase 1 Pipeline EA. Based on my review of the Environmental Assessment (EA) and project record, I have concluded that Alternative A was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the proposed treatments will provide Encana Oil & Gas (USA), Inc. access to existing mineral rights.

The need for the action is established by BLM's responsibility under the Mineral Leasing Act of 1920 (MLA), as amended [30 U.S.C. §181 et seq.], to respond to a right-of-way grant application. It is the policy of the BLM to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs. The MLA authorizes the BLM to issue oil and gas leases for the exploration of oil and gas and permit the development of those leases. The existing lease is a binding legal contract that allows development of minerals by the holder.

II. Conformance and Compliance

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this EA incorporates the information and analysis contained in the 2003 Farmington Proposed Resource Management Plan (PRMP) /Final Environmental Impact Statement (FEIS) (USDI/BLM 2003a). The proposed action would be in conformance with the oil and gas leasing and development management actions in the Resource Management Plan (RMP)/Record of Decision (ROD) signed December 2003 and updated in December 2003 (USDI/BLM 2003b). The proposed action would be in conformance with the 2003 RMP/ROD that states, to the extent possible, new ROWs will be located within or parallel to existing ROWs or corridors to minimize resource impacts (USDI/BLM 2003b, page 2-11). The PRMP/FEIS and ROD are available for review at the FFO in Farmington, New Mexico or electronically at http://www.nm.blm.gov/ffo/ffo_home.html. This project EA addresses site-specific resources and/or impacts that are not covered within the PRMP/FEIS, as required by the NEPA.

Oil and gas development is recognized as an appropriate use of public lands in the FFO planning area (USDI/BLM 2003b). The RMP adheres to the federal mandates contained in the Energy Policy and Conservation Action (42 USC 6217) and Executive Order 13212, which direct federal land managing agencies to expedite the production of the federal mineral estate for the development of reliable domestic sources of energy (USDI/BLM 2003b, pages 1 and 11).

Under Section 402 of the Clean Water Act (CWA) (as amended), the United States Environmental Protection Agency (USEPA) regulates stormwater discharges from industrial and construction activities under the National Pollutant Discharge Elimination System program. Additionally, Section 404 of the CWA (regulated by the United States Army Corps of Engineers) and Section 401 of the CWA (regulated by the New Mexico Environment Department or the USEPA, depending upon surface ownership) protect wetlands and waters of the United States. Operators are required to obtain all necessary CWA permits and approvals prior to any disturbance activities.

The Endangered Species Act of 1973 requires all federal departments and agencies to conserve threatened and endangered species and the habitats on which they depend. The Act also requires these departments and agencies to consult with the United States Fish and Wildlife Service (USFWS) on all actions authorized, funded, or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical habitat.

Under the Migratory Bird Treaty Act (MBTA) and Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds, federal agencies are required to consider management impacts to migratory nongame birds.

Compliance with Section 106 of the National Historic Preservation Act is adhered to by following the BLM–New Mexico State Historic Preservation Office protocol agreement, which is authorized by the National Programmatic Agreement among the BLM, Advisory Council on Historic Preservation, and National Conference of State Historic Preservation Officers.

III. Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the EA for the Good Times Trunk 1 Phase 1 Pipeline EA. I have also reviewed the project record for this analysis. The effects of the proposed action and alternatives are disclosed in the Alternatives and Environmental Consequences sections of the EA. I have determined that Encana Oil & Gas (USA), Inc.'s request to construct a 12-inch natural gas pipeline to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs as described in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary.

IV. Other Alternatives Considered

Alternative B: Under Alternative B, Encana Oil & Gas (USA), Inc. would construct an approximately 32,990-foot subsurface pipeline consisting of two separate sections (East and West) that would connect to a recently constructed Dugan Production Company Olympic Torch gathering system. The West section of the pipeline would be the same as the proposed action (Good Times Trunk 1 Phase 1 Pipeline EA, Figure 3), while the East section would follow the general alignment shown Figure 4. The proposed pipeline would be located on BLM-managed lands and Navajo Nation Tribal Trust lands. The East section Alternative B has not been land surveyed and the alignment was developed using geographic information systems (GIS) software, aerial images, and other digital data. (Good Times Trunk 1 Phase 1 Pipeline EA, pgs. 12 & 13).

Alternative C: Alternative C would consist of the subsurface pipeline alignment described under Alternative B. Additionally, under Alternative C, Encana Oil & Gas (USA), Inc. would apply for a ROW grant to construct and operate two temporary surface lines to allow access to resources

produced from approved and drilled wells Escrito H31-2409 01H and Escrito A31-2409 01H wells (which have already been drilled) and the Good Times D06-2309 01H well (which has also been drilled and will be completed and producing in less than 4 months). The surface lines would be permitted for a 2-year period. Figure 6 of the EA shows the location of the proposed Alternative C subsurface and surface lines.

The reason that these alternatives were not selected is because it is the policy of the BLM to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs, consistent with national objectives of an adequate supply of minerals at reasonable market prices. It is also the BLM agency goal to provide opportunities for environmentally responsible commercial activities, including the orderly development of important energy resources. (Good Times Trunk 1 Phase 1 Pipeline EA, pgs. 12-19)

V. Rationale for the Decision

Pursuant to 40 CFR § 1508.20 and 1502.21, this site specific EA tiers to and incorporates by reference the information and analysis contained in the 2003 Farmington Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS; USDI/BLM 2003a). The Proposed Action would be in conformance with the oil and gas leasing and development management actions in the RMP/ROD signed in September 2003 and updated in December 2003 (USDI/BLM 2003b). Specifically, this action is in conformance with the following: "It is the policy of the BLM to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs, consistent with national objectives of an adequate supply of minerals at reasonable market prices. At the same time, the BLM strives to ensure that mineral development is carried out in a manner that minimizes environmental damage and provides for the rehabilitation of affected lands" (2003b,2-2).

The effects of the construction and use of a natural gas pipeline would not be significant, individually or cumulatively, when considered with the effects of other actions (40 CFR 1508.27(b)(7)). The EA discloses that there are no other connected or cumulative actions that would cause significant cumulative impacts.

I have determined that the activities described in the proposed action will not adversely affect or cause loss or destruction of scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)). Cultural resource surveys were completed prior to implementation. Known cultural resources will be avoided by the project activities (Escrito #1 Phase 1 Trunk Pipeline EA, pg. 12).

The proposed activities are not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)). This project does not contain any known populations or designated critical habitat (Escrito #1 Phase 1 Trunk Pipeline EA, pg.3).

I. Public Involvement

The Farmington Field Office (FFO) publishes a NEPA log for public inspection. This log contains a list of proposed and approved actions in the field office. The log is located on the BLM New Mexico website. NO public comments were received for this proposed action.

The project was circulated among FFO resource specialists. Internal scoping through a BLM Interdisciplinary Team generated resource issues pertinent to the proposed project.

VII. Administrative Review and Appeal

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed Gary Torres, Field Manager, Farmington Field Office, 6251 College Boulevard, Suite A, Farmington, NM 87402. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with Garry Torres, Farmington Field Office Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition pursuant to regulations 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied;
(2) The likelihood of the appellant's success on the merits;
(3) The likelihood of immediate and irreparable harm if the stay is not granted; and
(4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor: United States Dept. of the Interior, Office of the Solicitor, Southwest Regional Office, 505 Marquette Avenue NW, Suite 1800, Albuquerque, NM 87102.

Maureen Joe
Assistant Field Manager
Farmington Field Office

09/16/13
Date