UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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

DECISION RECORD
for the
Lateral 6A-31 Pipeline Support Project
NEPA No. DOI-BLM-NM-F010-2014-0055-EA

I. Decision

I have decided to select the proposed action for implementation as described in the February 2014 Environmental Assessment DOI-BLM-NM-F010-2014-0055 EA Lateral 6A-31 Pipeline Support Project. Based on my review of the Environmental Assessment (EA) and project record, I have concluded that the proposed action was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the proposed action will provide temporary access to the repair the pipeline damaged by erosion and by installing helical piers to support the pipeline over the drainage.

II. Conformance and Compliance

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this site-specific environmental assessment (EA) tiers to and incorporates by reference the information and analysis contained in the Farmington Proposed Resource Management Plan/Final Environmental Impact Statement [(PRMP/FEIS) BLM 2003a]. This EA is in conformance with the management goals set forth in the Resource Management Plan (RMP) for the Farmington Field Office (FFO) of the BLM, which was approved by the Record of Decision (ROD) signed September 29, 2003, and updated in December 2003 (BLM 2003b). Specifically, this action is in conformance with the following objectives: 1. 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; and, 2. To the extent possible, new ROWs will be located within or parallel to existing ROWs or ROW corridors to minimize resource impacts. 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 PRMP/FEIS, RMP, and ROD are available for review at the BLM Farmington Field Office, 6251 College Blvd., Suite. A, Farmington, NM, or electronically at:

http://www.nm.blm.gov/ffo/ffo_home.html

This EA addresses the resources and impacts on a site-specific basis as required by the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-90, 42 USC 4321 et seq.). The proposed project would not be in conflict with any local, county, or state plans.

The Endangered Species Act (ESA) of 1973 requires all federal departments and agencies to conserve threatened, endangered, and critical and sensitive species and the habitats on which they depend, and to consult with the U.S. 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. Consultation with the USFWS, as required by Section 7 of the ESA, was conducted as part of the Farmington PRMP/FEIS (Consultation No. 2-22-01-I-389) to address cumulative effects of RMP implementation. The consultation is summarized in Appendix M of the PRMP/FEIS. Farmington Field Office staff reviewed the action alternatives and determined they would be in compliance with threatened and endangered species management guidelines outlined in the September 2002 Biological Assessment (Consultation No. 2-22-01-I-389). No further consultation with the U.S. Fish and Wildlife Service is required.

Compliance with Section 106 responsibilities of the National Historic Preservation Act are adhered to by following the BLM – New Mexico SHPO protocol agreement, which is authorized by the National Programmatic Agreement between the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, and other applicable BLM handbooks.

The Resource Conservation and Recovery Act (RCRA) passed in 1976, establishes a comprehensive program for managing hazardous wastes from the time they are produced until their disposal. The U.S. Environmental Protection Agency (EPA) regulations define solid wastes as any "discarded materials" subject to a number of exclusions. A "hazardous waste" is a solid waste that is (1) is listed by the EPA as a hazardous waste, (2) exhibits any of the characteristics of hazardous wastes (ignitability, corrosivity, reactivity, or toxicity) or (3) is a mixture of solid and hazardous waste.

A 1980 amendment to RCRA conditionally exempted from regulation as hazardous wastes, "drilling fluids, production waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas. On July 6, 1988, EPA determined that oil and gas exploration, development and production (ED&P) wastes would not be regulated as hazardous wastes under RCRA. A simple rule of thumb was developed for determining if an ED&P waste is likely to be considered exempt or non-exempt from RCRA regulations: If (1) the waste came from down-hole, or (2) the waste was generated by contact with the oil and gas production stream during removal of produced water or other contaminants, the waste is most likely to be considered exempt by EPA.

The Comprehensive Environmental Response Compensation and Liability Act (CERCLA), passed in 1980, deals with the release (spillage, leaking, dumping, accumulation, etc.) or threat of a release of hazardous substances into the environment. Despite many oil and gas constituent wastes being exempt from hazardous waste regulations, certain RCRA exempt contaminants could be subject to regulations as hazardous substances under CERCLA. The New Mexico the Oil Conservation Division (OCD) administers hazardous waste regulations for oil and gas activities in New Mexico.

Typical wastes associated with the proposed action would include trash and sewage. During project activities, a trash receptacle and a chemically treated portable toilet would be on location for trash and sewer disposal. The Lateral 6A-31 pipeline would be shut down during support structure installation. All wastes would be disposed of in a proper manner as required by federal and state law. No known hazardous or solid waste materials are present within the analysis area. The notification of releases such as natural gas, natural gas liquids, and petroleum, outside a facility site is required under CERCLA and under BLM NTL-3A.

All worker safety is governed by Occupational Safety and Health Administration (OSHA) safety laws and regulations. Worker safety incidents must also be reported to the BLM under the procedures of Notice to Lessee (NTL)-3A. Pipeline safety regulations are administered by OSHA as well as Department of Transportation (DOT) regulations. Pipeline safety regulations (49 CFR Parts 190 and 192) govern design, construction and operation of gas transmission lines. Any

incidents involving DOT-regulated pipelines must be reported under these regulations (District 2003a).

Most substances and wastes generated at oil and gas facilities are exempt from regulation under the Resource Conservation and Recovery Act (1976). The Environmental Protection Agency (EPA) and DOT regulate materials associated with well construction and production activities that are classified as hazardous. When significant amounts of chemicals are stored on-site, governmental agencies will be notified as required under the Emergency Planning and Community Right to Know Act (1986). The notification of releases such as natural gas, natural gas liquids, and petroleum, outside the facility site is required under the Comprehensive Environmental Response Compensation and Liability Act, 1980 (CERCLA) and under BLM NTL-3A.

Additional hazards to the general public in the proposed action area include safety hazards associated with increased traffic during the project. General hazards around producing oil and gas fields such as accidental pipeline failures and moving equipment like pump jacks are potential/present in the action area. Hydrogen sulfide gas is not known to be or expected to be a problem within the project area.

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 Lateral 6A-31 Pipeline Support Project. I have also reviewed the project record for this analysis. The effects of the proposed action and alternative[*s*] are disclosed in the Alternatives and Environmental Consequences sections of the EA. I have determined that providing temporary access to repair the pipeline damaged by erosion and installing supports in the drainage 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

Enterprise had originally proposed a Horizontal Directional Drill (HDD) underneath the wash for a distance of 634 feet to address the pipeline exposure. This alternative would require Temporary Use Areas (TUAs) on either side of the HDD at the boring stations, one 0.574 acre in size and the other 0.964 acre in size. In addition, a proposed temporary access road approximately 405 feet in length would pass through the wash. However, extensive cultural resource findings within the project area eliminated this alternative from further consideration.

A second alternative was considered to lengthen the HDD to avoid cultural resource impacts. It was determined that a longer HDD would present additional challenges with respect to viable working areas due to varied topography, and drainages, cultural and other sensitive resource impacts The potential for a release from the exposed condition of the pipeline presents a continuing risk to both public safety and the environment. The proposed action has been chosen for the most efficient and responsible solution to the exposed pipeline.

V. Rationale for the Decision

[Include a brief description of any information necessary to understand how the decision was made. Examples include information from Livestock Grazing Standards and Guides, PFC ratings, or consultations with other agencies]

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 and a Cultural Resources Record of Review 2014(II) 014F was signed on February 6, 2014. Stipulations included with the Cultural Resources Record of Review

will mitigate impacts to cultural resources identified during the survey by requiring that temporary site protection barriers be placed prior to access and construction. Pages 10 and 11 of the February 2014 Environmental Assessment DOI-BLM-NM-F010-2014-0055 EA describe effects to cultural resources.

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)). The proposed project area does not contain any known populations or designated critical habitat for federally listed species. There are no known populations of Special Status Species presents in the proposed projects areas. Onsite inspection notes contained in the project file document this.

VI. 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 (http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html). No public comments were received for this proposed action.

The project was circulated among FFO resource specialists. Internal scoping through a BLM Interdisciplinary Team (IDT) 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 Gary 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. This decision can be implemented immediately and remains in effect pending appeal according to 43 CFR 2881.10 (b). If you wish to file a petition 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
Lands & Renewable Resources
Farmington Field Office

03/07/14
Date

Remarks

NEPA #: DOI-BLM-NM-F010-2014-0055-EA
Project Title: Lateral 6A-31 pipeline reroute/repair
Project Lead: Scott Hall

Entered By	Date Entered	Remark
Jim Copeland	2-26-2014	Cultural report is still in review. Final signoff cannot occur until completed.
Marcella Martinez	2-25-2014	See remarks in 2.2 and 2.3 and correct as indicated. Also indicate onsite dates in future EAs.
Jim Copeland	2-20-2014	Cultural report still in review but I signed off to keep it going. Have requested second review in case cultural issues surface during the review.
Shelia Wiiliams	2-14-2014	One comment in the EA. May be more surface disturbance with re-disturbance in pipeline ROW and TUAs? SW