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
Chaco Trunk 3 Extension 2 Project
NEPA No. DOI-BLM-NM-F010-015-0039-EA

I. Decision

I have decided to select the proposed action for implementation as described in the January 2015 Environmental Assessment DOI-BLM-NM-F010-2015-0039-EA, WPX Energy Production, LLC's Chaco Trunk 3 Extension 2 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 approved right-of-way grants to WPX Energy Production LLC which will allow them to construct, operate, maintain, and terminate a pipeline system of five pipelines, and Temporary Use Areas (TUA'S) for pipeline construction.

II. Conformance and Compliance

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this site-specific 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, the proposed action supports the following BLM policy:

> 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 – 2-3).

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.

Development of energy-related ROWs, such as pipelines, is one of the primary activities of the BLM-FFO lands program. Such ROWs receive environmental review on a case-by-case basis

(BLM 2003b). As required by NEPA, this EA addresses site-specific resources and effects of the proposed action that were not specifically covered within the PRMP/FEIS.

Recognizing the potential for the continued or accelerated degradation of the Nation's waters, the U.S. Congress enacted the Clean Water Act (CWA), formerly known as the Federal Water Pollution Control Act (33 USC 1344). The objective of the CWA is to maintain and restore the chemical, physical, and biological integrity of the waters of the United States (U.S.). The proposed action is in conformance with the CWA (33 USC 1251 et seq.).

Under Section 401 of the CWA, an applicant for a federal license or permit to conduct an activity that may result in a discharge into a water of the U.S. must provide the federal agency with a Section 401 certification declaring that the discharge would comply with the CWA. The certification would be granted by the New Mexico Environment Department (NMED).

Under Section 402 of the CWA, the U.S. Environmental Protection Agency (EPA) regulates storm water discharges from industrial and construction activities under the National Pollution Discharge Elimination System (NPDES) program. Permits are required if discharge results in a reportable quantity for which notification is required (pursuant to 40 CFR 117.21, 40 CFR 302.6, or 40 CFR 110.6) or if the discharge contributes to a violation of a water quality standard.

Section 404 of the CWA authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into the waters of the U.S., including wetlands. The U.S. Army Corps of Engineers (USACE) has jurisdiction over "waters of the U.S." These jurisdictional waters include those that have a "significant nexus" to traditional navigable waters. The BLM-FFO and USACE Durango Regulatory Office have determined that jurisdictional waters may include USGS watercourses (i.e., "blue lines" on USGS 1:24,000 topographic maps). Seven intermittent/ephemeral watercourses are located along the proposed pipeline corridor. Two of the seven watercourses have a defined stream channel (i.e., Ordinary High Water Mark) and would thereby likely be subject to regulatory jurisdiction under the USACE. Assuming the watercourses are jurisdictional, the proposed actions would be authorized under Nationwide Permit No. 12 (Utility Line Activities). The proposed project would be designed to avoid discharge into other watercourses that are potentially USACE jurisdictional and would not result in the loss of greater than ½ acre of waters of the U.S.

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 Clean Air Act of 1972, as amended (CAA; 42 USC 7401 et seq.), establishes national ambient air quality standards (NAAQS) to control air pollution. In New Mexico, the NMED has adopted most of the CAA into the New Mexico Administrative Code (NMAC). The NMED issues construction and operating permits for air quality and enforces air quality regulations and permit conditions.

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 January 2015 Environmental Assessment DOI-BLM-NM-F010-2015-0039-EA, WPX Energy Production, LLC's Chaco Trunk 3 Extension 2 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 the approval of right-of-way grants to authorize WPX Energy Production LLC to construct, operate, maintain and terminate a pipeline system of five pipelines 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

No reasonable alternatives to the proposed action have been developed that would result in significantly fewer impacts or any clear advantages over the proposed action. The proposed pipeline corridor follows the most economic and direct route based on the location of existing WPX infrastructure, existing disturbance, and surface resources.

V. Rationale for the Decision

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 Resource Record of Review BLM Report Number 0214(III)044.1F was signed on February 4, 2015 for the Chaco trunk 3 Extension 2 and Extension 4 pipelines, Temporary Use Areas, (TUA's) and pond cleanout. Effects to the cultural sites in the project area will be mitigated by requiring site protection barriers be placed prior to the construction and monitoring sites during construction. Pages 16- 17 of the January 2015 Environmental Assessment DOI-BLM-F010-2015-0039-EA, WPX Energy Production, LLC's Chaco Trunk 3 Extension 2 Project describe the 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 project area does not contain any known populations or designated habitat for federally listed endangered or threatened species. Pages 20 – 22 of the January 2015 Environmental Assessment DOI-BLM-NM-F010-2014-0039-EA, WPX Energy Production, LLC's Chaco Trunk 3 Extension 2 Project describe he effects to Special Status Species.

VI. Public Involvement

The BLM-FFO publishes a NEPA log for public inspection. This log contains a list of proposed and approved actions within the BLM-FFO. The log is located on the BLM's New Mexico website (http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html).

An onsite meeting, attended by WPX, BLM-FFO representatives, and an environmental consultant (Adkins Consulting, Inc. [ACI]), was held for the proposed project on November 20, 2014. The local chapter of the Navajo Nation was invited to the meeting by the BLM-FFO; no members of the Navajo Nation attended the meeting.

A public invitation to the on-site meetings was posted online (http://www.blm.gov/nm/st/en/fo/Farmington_Field_Office/ffo_oil_and_gas/ffo_onsites.html); no private citizens or groups attended the meetings.

A BLM-FFO Interdisciplinary Team meeting was held on December 8, 2014 to discuss the proposed action. At the aforementioned meetings, potential issues of concern were identified by the BLM-FFO and ACI.

Based on the size and scale, routine nature, and potential impacts associated with the proposed action, no additional external scoping was conducted. No public comments were received for the proposed action.

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 with 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

02/12/15
Date