

Table of Contents

1	INTRODUCTION	3
1.1	Purpose and Need	3
1.2	Decision to be Made	4
1.3	Plan Conformance.....	5
1.4	Scoping and Issues.....	5
1.4.1	Internal Scoping	5
1.4.2	External Scoping.....	5
1.4.3	Resource Issues Identified	6
2	PROPOSED ACTION AND ALTERNATIVES.....	7
2.1	Proposed Action.....	7
2.1.1	Design Features.....	10
2.1.2	Construction Activities	12
2.1.3	Pipeline Segment Route	15
2.2	No Action Alternative.....	17
2.3	Alternatives Considered but Eliminated from Detailed Analysis	17
3	AFFECTED ENVIRONMENT	19
3.1	Air Quality	19
3.2	Climate Change.....	20
3.3	Areas of Critical Environmental Concern (ACEC)	21
3.4	Cultural Resources	22
3.5	Farmland (Prime or Unique) / Vegetation	22
3.6	Livestock.....	24
3.7	Floodplains.....	24
3.8	Hazardous and Solid Wastes.....	24
3.9	Invasive Non-native Species	25
3.10	Wildlife and Wildlife Habitat	27
3.11	Special Status Species.....	28
3.12	Water Resources	29
3.13	Waterways.....	31

3.14	Paleontological Resources	31
3.15	Soils.....	33
3.16	Visual Resources.....	34
3.17	Realty	35
4	ENVIRONMENTAL EFFECTS	37
4.1	Air Quality	37
4.2	Climate Change.....	37
4.3	Areas of Critical Environmental Concern (ACEC)	38
4.4	Cultural Resources	38
4.5	Farmland (Prime or Unique) / Vegetation	38
4.6	Livestock.....	40
4.7	Floodplains.....	41
4.8	Hazardous and Solid Wastes.....	41
4.9	Invasive Non-native Species	42
4.10	Wildlife and Wildlife habitat	42
4.11	Special Status Species.....	43
4.12	Water Resources	44
4.13	Waterways.....	44
4.14	Paleontological Resources	45
4.15	Soils.....	45
4.16	Visual Resources.....	46
4.17	Realty	47
4.18	Cumulative Impacts	47
5	INDIVIDUALS, ORGANIZATIONS, TRIBES OR AGENCIES CONSULTED	50
6	LIST OF PREPARERS.....	51
7	REFERENCES	52

Appendices

- A Maps and Figures
- B Programmatic Agreement
- C Agency Concurrence
- D BLM Stipulations

1 INTRODUCTION

The Proposed Action consists of installing 36.7 miles of 8-inch diameter pipeline from El Paso, Texas to Santa Teresa, New Mexico to meet the growing demand for refined petroleum fuels and other products in southern New Mexico. Specifically, Union Pacific Railroad (UP) is constructing an intermodal rail facility northwest of the Santa Teresa Airport (Strauss Rail Yard), which requires diesel fuel products to operate. The Proposed Action would provide an efficient means of transporting diesel fuel to the UP rail yard, while allowing for the potential to transport additional refined product fuels to the region to meet future demand.

As illustrated on the overview route map (see Figure 1, Appendix A), the proposed pipeline alignment currently parallels existing pipeline right-of-way (ROW) for the majority of the route. The route includes 5.97 miles that are located within a U.S. Army Post (Fort Bliss) within the State of Texas; 0.2 miles traverses the northeastern corner of the Texas Parks and Wildlife Department's (TPWD) Franklin Mountain State Park; 15.05 miles traverses Federal Lands managed by the Bureau of Land Management (BLM) within Doña Ana County in the State of New Mexico; and the remaining 15.48 miles cross privately-held lands that occupy portions of El Paso and Doña Ana Counties. The route crosses one major waterway (Rio Grande River) as well as two railroads, several community roads and Interstate Highway 10. Seventy-one percent of the route, however, parallels a previously disturbed ROW containing existing fuel pipelines. It is the BLM's policy that further disturbances within this ROW be restored to the natural condition.

1.1 Purpose and Need

The BLM purpose, as a multiple use agency, is to make public land and its resources available for use and development to meet National, regional, and local needs, consistent with National objectives, while simultaneously applying the principles of sustained yield governing the many resources the agency manages. This particular proposed action is a for a refined diesel pipeline which would efficiently deliver refined petroleum products to meet the high fuel demands of a rail yard.

The BLM's specific purpose is to issue right of way (ROW) grant for the access, construction, maintenance, operation, and termination of a refined petroleum products pipeline and ancillary facilities. The principles of sustained yield include safeguarding wildlife and their habitat, threatened species and their habitat, endangered species and their habitat, sensitive species and their habitat, water quality, soils, paleontological, archaeological, vegetation, and watershed functions. Goals and objectives for these resources were set forth in the Mimbres Resources Management Plan (December 1993).

The need is to respond to a Federal Land Policy and Management Act (FLPMA) Right-Of-Way request grant under Sec. 501(a)(7). The BLM's authority to issue ROW for a refined petroleum products pipeline is also identified in Section 28 of the Minerals Leasing Act of February 25, 1920 (30 U.S.C. 181)..

1.2 Decision to be Made

The BLM would decide whether to grant authorization of linear ROW serial number NMNM 127115 for the purpose of authorizing the construction, operation, access, maintenance, and termination of a buried refined petroleum products pipeline, and ancillary facilities on public land as described in the proposed action. As part of the decision, the BLM would also determine whether to grant temporary use areas (TUA) adjacent to the proposed pipeline ROW. TUAs include all areas along the pipeline construction zone that may be used for pipe fabrication; equipment mobilization; drilling and boring beneath roadways, railways, and waterways; and other construction-related activities.

The proposed ROW would be 75 feet wide and consist of 50 feet of permanent ROW and 25 feet of temporary ROW for equipment access. Additionally, TUAs would be needed for horizontal directional drilling (HDD) operations and general equipment mobilization. The permanent ROW across BLM-managed land would be 50 feet wide by 15.05 miles and would occupy 91.21 acres. The temporary ROW on public land would be 25 feet wide by 15.05 miles and would occupy 45.61 acres. Public land construction zone TUAs account for a total of 5.34 acres.

1.3 Plan Conformance

The proposed action conforms with the Mimbres Resources Management Plan (RMP), approved in December of 1993, because it is clearly consistent with the decisions, objective, and conditions of the RMP: “The Mimbres Resource Area grants rights-of-way (ROWs), leases and permits to qualified individuals, businesses, and governmental entities for the use of public land.” (Mimbres RMP page 2-14). The Organ/Franklin Mountains area of critical environmental concern (ACEC) allows ROWs within “existing corridors”. “The corridor in the Anthony Gap area will be confined to a width of ½ mile.”(Mimbres RMP page 5.39)

1.4 Scoping and Issues

Magellan Midstream LP (Magellan) approached the BLM and Ft. Bliss Army Post in June of 2011 regarding the Proposed Action of this project. A Plan of Development (POD) for the project was submitted in July, 2011 to the BLM. While much of the route lies within an existing pipeline ROW, an Environmental Assessment (EA) was appropriate because some of the lengths traversing lands managed by the BLM had not been analyzed previously for environmental impacts. Because the majority of the pipeline for this project crosses public lands, the BLM–Las Cruces District Office (LCDO) is the lead agency for the NEPA analysis.

1.4.1 Internal Scoping

Magellan’s plan of development was presented to the Las Cruces District Office (LCDO) Interdisciplinary NEPA Team in July 2011. In addition, three coordination meetings have been held with representatives of the BLM, Magellan, and Fort Bliss.

1.4.2 External Scoping

External scoping has included coordination with Ft. Bliss and the State Historic Preservation Offices (SHPO) from both Texas and New Mexico.

A Programmatic Agreement (PA), included as Appendix B, has also been developed for the project that includes coordination among:

- The United States Army Corps of Engineers
- International Boundary and Water Commission

- The New Mexico State Land Office
- The New Mexico Department of Transportation
- United States Department of Defense
- Texas Department of Transportation

The above agencies have been included in scoping for this EA as well as the following:

- Texas Commission on Environmental Quality (TCEQ)
- New Mexico Environment Department (NMED)
- Texas Parks and Wildlife Department (TPWD)

Other parties invited to participate in consultations and to concur with this agreement include:

- Comanche Indian Tribe
- Fort Sill Apache Tribe
- Hopi Tribe
- Kiowa Tribe of Oklahoma
- Mescalero Apache Tribe
- The Navajo Nation
- Pueblo of Acoma
- Pueblo of Isleta
- Pueblo of Laguna
- Pueblo of Tesuque
- Pueblo of Zuni
- White Mountain Apache Tribe
- Ysleta del Sur Pueblo

Other relevant agency concurrence and correspondence is included in Appendix C.

1.4.3 Resource Issues Identified

This section outlines the potentially affected resources expected to be encountered with the Proposed Action Project Area. All maps and figures referenced in this section are provided in

Appendix A. In accordance with NEPA regulations; this section provides a baseline for potentially effected natural resources analyses from which to understand the potential effects of the Proposed Action and the considered alternatives.

The first area identified as a potential issue was cultural (archaeological and historical) resources. It would require coordination and consultation with the SHPOs of both Texas and New Mexico. In addition, resource specialists collected data from existing reports, consulted with various agencies and individuals, and conducted field investigations for the following resources:

- Air Quality
- Climate Change
- Areas of Critical Environmental Concern (ACEC)
- Cultural Resources
- Farmland (Prime or Unique) / Vegetation
- Livestock
- Floodplains
- Hazardous and Solid Wastes
- Invasive Non-native Species
- Wildlife and Wildlife Habitat
- Special Status Species
- Water Resources
- Waterways
- Paleontological Resources
- Soils
- Visual Resources
- Realty

In many cases, individual resource areas have been defined to better describe resource characteristics and areas of potential effect relevant to the Proposed Action. These resource investigations are described further in Section 3 and evaluated for their potential effects in Section 4.

2 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

Magellan proposes to construct a pipeline from the existing Magellan Pipeline Terminal at El Paso Junction following a route around the north and west sides of the El Paso area; through Anthony Gap; across the Rio Grande River; and then southward terminating at the new Strauss

Intermodal rail yard facility located northwest of the Santa Teresa, NM airport. The pipeline product would be transferred into new tankage at the Strauss rail yard. The initial proposed volume is 15,000 barrels per day of diesel fuel for fueling locomotives. Future fuel demands may involve multipurpose uses such as providing different fuels to different customers. The proposed project completion date is November of 2013.

The proposed pipeline alignment currently parallels existing pipeline right-of-way (ROW) for the majority of the route. The route includes 5.97 miles that are located within a U.S. Army Post (Fort Bliss) within the State of Texas; 0.2 miles traverses the northeastern corner of the Texas Parks and Wildlife Department's (TPWD) Franklin Mountain State Park; 15.05 miles traverses Federal Lands managed by the Bureau of Land Management (BLM) within Doña Ana County in the State of New Mexico; and the remaining 15.48 miles cross privately-held lands that occupy portions of El Paso and Doña Ana Counties. The route crosses one major waterway (Rio Grande River) as well as two railroads, several community roads and Interstate Highway 10. Seventy-one percent of the route, however, parallels a previously disturbed ROW containing existing fuel pipelines.

The proposed ROW would be 75 feet wide and consist of 50 feet of permanent ROW and 25 feet of temporary ROW for equipment access. Approximately 39 TUAs would be needed for horizontal directional drilling (HDD) operations and general equipment mobilization (see Figures 2-1 through 2-20 in Appendix A). The permanent ROW across BLM-managed land would be 50 feet wide by 15.05 miles and would occupy 91.21 acres. The temporary ROW on public land would be 25 feet wide by 15.05 miles and would occupy 45.61 acres. Public land construction zone TUAs account for a total of 5.34 acres.

The Proposed Action involves traversing the northern extent of the Franklin Mountains at their lowest topographical height through the Anthony Gap; which is located in Doña Ana County, New Mexico. This route was chosen primarily because it parallels much of the existing pipeline ROW currently utilized for similar purposes by Kinder Morgan, El Paso Corporation and other pipeline companies. It is the shortest feasible route for the proposed pipeline and would extend throughout this pre-disturbed corridor; thereby reducing new areas of disturbance. Furthermore,

Sec. 23, NE¹/₄NE¹/₄NW¹/₄, NW¹/₄NE¹/₄NW¹/₄, NE¹/₄NW¹/₄NW¹/₄,
 SW¹/₄NW¹/₄NW¹/₄, SE¹/₄NW¹/₄NW¹/₄, W¹/₂W¹/₂SW¹/₄NW¹/₄,
 W¹/₂W¹/₂W¹/₂SW¹/₄;

Sec. 26, W¹/₂W¹/₂W¹/₂W¹/₂;

Sec. 35, W¹/₂W¹/₂W¹/₂W¹/₂.

T. 28 S., R. 2 E., Sec. 3, Lot 1, NE¹/₄SE¹/₄NE¹/₄, W¹/₂SE¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄,
 N¹/₂S¹/₂SW¹/₄, E¹/₂NW¹/₄SE¹/₄, SW¹/₄NW¹/₄SE¹/₄, NW¹/₄SW¹/₄SE¹/₄.

The following table represents the expected disturbed acreage both during and after pipeline construction for the entire proposed pipeline route across all public and private lands.

ROW Component Type	Time Needed (years)	All Properties Length of Entire Route				BLM Property ROW Grant Only			
		No. of Units	Length (feet)	Width (feet)	Acres	No. of Units	Length (feet) Total Units	Width (feet)	Total Acres
Linear Permanent Pipeline	30	1	193776 ^A	50	222.42	1	79464 ^B	50	91.21
Linear Temporary Construction	1	1	193776	25	111.21	1	79464	25	45.61
Site TUA	1	8	5800 ^D	75	9.98	0	0	75	0
		31	6550 ^E	150	22.56	6 ^C	1550 ^E	150	5.34

Right of Way Component Dimensions 1

- Notes:
- ^A Equivalent to entire pipeline route of 36.7 miles across all properties
 - ^B Equivalent to pipeline length of 15.05 miles across BLM property
 - ^C Locations for the 6 TUAs are included on Figures 2-10 (AR-10), 2-11 (AR-11), and 2-16 (AR-16) in Appendix A.
 - ^D Represents the total length of all TUAs within the 75-foot ROW
 - ^E Represents the total length of all TUAs within the 150-foot ROW
 - TUA Temporary Use Area

2.1.1 Design Features

The proposed 36.7-mile pipeline would be designed as a continuous, welded-steel pipe measuring nominally 8-inches in diameter with heavier-walled pipe used at road, water, and rail crossings. The pipeline welds would be 100 percent x-rayed and hydrotested prior to product transfer. The buried pipeline would be coated with fusion bonded epoxy, and abrasion-resistant coating would be used at HDD crossings, such as paved roads, waterways, and railroads. The pipeline would be protected by a cathodic protection system through its entire length and there would be cathodic test connections along the planned alignment in conformance with United States Department of Transportation (USDOT) guidelines. These would be located at easily accessible areas near existing roads, railroad crossings, waterways, and pipelines. There would also be pipeline marker signs all along the new 8-inch pipeline to indicate the pipeline's location. Product pumping through the pipeline would originate at Magellan's existing El Paso terminal, thereby eliminating the need for new pump stations to be constructed along its route.

No above-ground ancillary facilities would be required along the pipeline's entire length other than three above-grade valves located at mileposts (MP) 11.15, 25.3, and 25.7. These MP locations are listed in Section 2.1.3 and are also shown on Figure 2 of Appendix A. At the above-grade valve locations, the new 8-inch pipeline would be brought above grade and motor-operated valves would be installed that would be able to be closed and opened by the pipeline operations control center located in Tulsa, OK. At two of the above grade valve locations, check valves would also be installed that would not require motor operation or remote operation. The check valve on the west side of the Rio Grande allows flow one direction only and would prevent products from flowing toward the river from the west. On the east side of the Franklin Mountains, the check valve would prevent products from flowing east.

Pumping would originate from Magellan's existing El Paso terminal. Refined products will originate out of tankage at Magellan's El Paso terminal and be pumped by a pump at the terminal into an existing pipeline to Magellan's El Paso Junction where it will now connect to this new pipeline. Flow will continue through the new pipeline to the new Strauss facility on the west side of the El Paso area, near Strauss, New Mexico. The initial refined product in the pipeline is diesel fuel for use by Union Pacific at the Strauss facility. The diesel fuel will be moved in batches of possibly twenty to fifty thousand barrels at a time. After a batch is completed, the

pump and pipeline would be shutdown and sit idle but under pressure until the next batch is scheduled to be delivered. If a different refined product is also pumped through the pipeline, for instance gasoline, the gasoline batch would follow a diesel batch in the pipeline. There is no physical separation between the two refined products in the pipeline, such as what is known as a “pig”. The products tend to not co-mingle unless the pipeline should sit idle for long periods of time or pressure in the pipeline is substantially reduced. The co-mingled product that does eventually occur at this interface between the products is known as transmix, and it is collected at certain locations in the facilities in the system.

The pipeline is under pressure, and this pressure is monitored 24 hours a day using pressure transmitters at the valve locations. When a reduction in pressure is observed, the operations control personnel in Tulsa will determine where the pressure reduction occurred and remotely close valves to lock in different sections of the pipeline. If the pump is running at the time of the pressure reduction, the pump will be shut down also. The above grade valve stations allow for the remote operation of the valves at those strategic locations on the pipeline. The check valves do not need to be operated remotely because they close at any time when flow tries to go the opposite direction for any reason.

Magellan would perform construction operations, maintenance, and restorations activities in accordance with the BLM Stipulations contained in Appendix D.

2.1.2 Construction Activities

Construction activities on BLM land would take place within a 75-foot temporary ROW along the proposed route and would consist of additional temporary access roads, TUAs for drilling, boring, and pipe fabrication; all of which would be orientated within the temporary ROW. Following construction, a permanent 50-foot ROW would be maintained for future pipeline maintenance and monitoring. The estimated areas of disturbance associated with the temporary and permanent ROWs within the BLM-managed lands are discussed in Section 1.2.

Construction activities on other federal and private lands would take place within 75-foot temporary easements along the proposed route and would consist of additional temporary access

roads, TUAs for drilling, boring, and pipe fabrication; all of which would be orientated within the temporary easement. Following construction, a permanent 50-foot easement would be maintained for future pipeline maintenance and monitoring. It should be noted that BLM is not granting the easement portion of the proposed pipeline.

Construction activities would include brush clearing, surface grading, cut and fill potholes to locate underground utilities, excavation of the pipeline trench, pit excavations for bores and HDD, pipe stringing, welding, testing, backfilling, cleanup, and re-vegetating the ROW. Following are the construction/pipeline installation activities that would be applicable to the Proposed Action.

1. Survey and stake the pipeline centerline and the permanent and temporary ROW boundaries.
2. A ROW crew comes in and installs temporary gates in fences, temporary access roadways, and clears the ROW of obstructions.
3. The pre-coated pipe is then hauled in and strung along the ROW where needed. Pre-bent pipeline bends are also placed along the ROW. Small bends would be field-bent.
4. Trenching equipment is then brought in to dig the trench. For this 8-inch pipeline, the trench width would be approximately 18 inches wide. The ditch would be excavated using trenchers and tracked and/or wheeled backhoes. Vacuum excavation or hand digging would be utilized to locate buried utilities, other pipelines, cables, waterlines, sewer lines, etc. Blasting would not be utilized on this project. Topsoil would be segregated from the lesser quality trenched material and stored for placement back on top of the trench after construction.
5. The minimum cover depth would be 48 inches over the top of the pipe.
6. Water trucks would be used for dust control when needed.
7. Equipment and work crews would come in and follow the alignment, welding the pipe joints and bends together.
8. The field welds would be 100% x-rayed. Weld repairs would be made as needed.
9. The weld joints would be field coated for cathodic protection.

10. The entire pipeline would be examined to determine if the cathodic protection coating needs repair prior to lowering in to the trench and backfilling.
11. The pipeline is then lowered into the trench and backfilled with proper backfill material. A 6 inch wide plastic warning tape is placed 12 inches below grade in the backfill above the pipe centerline.
12. River, road, canal and railroad crossings would be drilled with a HDD machine. This would minimize disruptions to local traffic and pavement issues.
13. While the areas are being drilled, the heavier wall pipe joints with abrasion resistant coating would be welded together, x-rayed, coating checked, and field joints protected with abrasion resistant coating.
14. The pipe spool for the HDD would be hydrotested for 4 hours prior to pulling into the drilled crossing.
15. When the drilling is completed and pipe spool has completed its pretesting, the drilling machine would pull the pipe spool back through the drilled crossing.
16. Both ends of the drilled crossing would then be welded to the adjacent trenched-in pipe sections.
17. At the above grade valve locations, the pipe would come above grade and valves would be installed. The other facilities at the valve station would also be installed.
18. After the pipe has been installed, drilled crossings installed, and above grade facilities installed, the pipeline would be hydrotested for 8 hours. Water used in the hydrotest would be pushed through the entire length of the pipeline and discharged under controlled conditions to either mobile containers or to retention ponds located at the Strauss terminal. The total estimated volume of water for the hydrotest is 15,000 barrels. Magellan would obtain the appropriate hydrotest permit from the New Mexico Oil Conservation Division (OCD) prior to performing the test.
19. As part of the filling process, a sizing plate would be run through the pipeline to verify the cross section of the new pipeline and that no obstructions are present.
20. After a successful hydrotest, the pipeline would be dried out with drying pigs until no free water is present.
21. As the pipeline construction is completed along the ROW, the ROW would be cleaned up, re-graded, and re-vegetated as required by the various landowners.

When all ROW work has been completed, the temporary access roads, gates, and TUAs would be removed and the ROW returned to its original condition. No permanent roads would be constructed for maintenance or monitoring.

2.1.3 Pipeline Segment Route

The MPs referenced are the approximate miles from the Magellan El Paso Junction facility, along the new pipeline alignment (see Figures 2-1 through 2-20 in Appendix A). The MPs listed are for reference only and would not correspond to the existing pipeline MPs..

The new 8-inch pipeline would begin (MP 0.0) at the Magellan El Paso Junction (also known as Diamond Junction), at the point where the pig receiver is currently located for what was known by Magellan as the Kinder Morgan 8-inch pipeline. This pig receiver and several of the existing valves would be relocated to the Strauss end of the new pipeline. The new 8-inch pipeline would generally travel north, then northeast under Purple Heart Memorial Highway, also known as TX 375, then northward paralleling the east side of the existing pipelines, to approximate MP 1.38. At MP 1.38, the new 8-inch pipeline would turn northeastward and parallel the existing pipelines, but now along the northwest side of the existing pipelines, to approximate MP 1.78. At MP 1.78, the new 8-inch pipeline would turn north and then northwestward and parallel the existing pipelines, along the west side of the pipelines, through the Ft. Bliss tank trails area, to approximate MP 6.1, which is just east of Railroad Drive and the railroad tracks.

At MP 6.1, the new 8-inch pipeline would be routed under the existing pipelines, Railroad Drive and railroad tracks, to approximate MP 6.24 on the west side of Railroad Drive. At MP 6.24, the new 8-inch pipeline would enter a large pipeline corridor, and parallel the existing pipelines in a northwesterly direction. The new line would be laid in an open space between a One OK pipeline and an El Paso pipeline, to approximate MP 7.71. At MP 7.71, the new 8-inch pipeline would cross under the entire pipeline corridor to the southwest side of the corridor, to approximate MP 7.82. The new 8-inch pipeline would now generally parallel the existing Kinder Morgan and El Paso pipelines, along the southwest side of the existing pipelines, to approximate MP 19.48. At approximate MP 12.90 the pipeline crosses from Texas into New Mexico.

At MP 19.48, the new 8-inch pipeline turns southward and parallels El Paso pipelines, along the west side of the existing pipelines, to approximate MP 22.49. At approximate MP 20.75 the pipeline crosses from New Mexico into Texas. At approximate MP 22.49, the new 8-inch pipeline turns west and is no longer paralleling existing pipelines. The pipeline travels west through industrial areas and farming areas to approximate MP 25.4, where it would begin a HDD to go under the Rio Grande River. The river crossing pipe would end at approximate MP 25.7, and the pipeline would continue west. At approximate MP 27.10 the pipeline crosses from Texas into New Mexico. At MP 29.31 the farming area ends and the new 8-inch pipeline turns southwestward.

At approximate MP 32.4 the new 8-inch pipeline turns south and parallels an existing MNGCO pipeline, along the west side of the existing pipeline, to approximate MP 36.06. At approximate MP 36.06, the new 8-inch pipeline would turn west and end at approximate MP 36.61. This would be the end of the new 8-inch pipeline and the pipeline would connect to the relocated pig receiver and valves from El Paso Junction. This location is within the Union Pacific Intermodal Facility, in Strauss, New Mexico.

Major road crossings and other features are at these approximate MPs on the new 8-inch pipeline:

El Paso Junction	MP 0.0
Purple Heart Memorial Highway (TX 375)	MP 0.15
Railroad Drive	MP 6.22
Dyer Street	MP 6.75
Gateway Blvd. (US 54)	MP 7.93
FM 2637	MP 9.82
McCombs Street (FM 2529)	MP 10.04
Above Grade Valve site	MP 11.15
Stan Roberts Sr. Avenue	MP 11.26
War Road (FM 3255)	MP 12.67
Texas-New Mexico State Line	MP 12.90
E. O'Hara Road (RS-1125, NM 404)	MP 17.27
E. O'Hara Road (RS-1125, NM 404)	MP 19.72
New Mexico-Texas State Line	MP 20.75
Interstate 10	MP 23.64
Dolphin Drive (US 80)	MP 24.93

Rio Grande, El Paso, Santa Fe Railroad	MP 24.96
Above Grade Valve site	MP 25.3
Rio Grande River	MP 25.53
Above Grade Valve site	MP 25.7
Vinton Road	MP 26.33
Texas-New Mexico State Line	MP 27.10
NM 28	MP 28.03
Alvarez Road	MP 29.26
County Road A020	MP 32.46
End of New 8-inch Pipeline	MP 36.61

An overview aerial map of the proposed pipeline is included as Figure 2, Appendix A. Individual aerial maps showing MPs, TUAs, and the existing pipeline corridor are also included as Figures 2-1 to 2-20.

2.2 No Action Alternative

The No Action Alternative provides a useful baseline for comparison of the environmental effects if the BLM denies the application for the ROW for the pipeline. It does not meet the purpose and need; however, it is required by the Council on Environmental Quality to demonstrate the consequences of not meeting the need for the action.

Because of the increasing demand of fuel and other products to areas of southern New Mexico and beyond, the No Action alternative would not meet the public need of providing an efficient transmission of fuel, would result in higher transportation costs, and would increase truck traffic through the Strauss Rail yard. Magellan estimates that the pipeline would transport a minimum of 5,000 barrels of fuel per day with an expected increase of 7,000 barrels per day in the following two years. Future volumes would reach 15,000 barrels per day. Translating this volume to transport by truck estimates that truck traffic would be reduced by 28-84 trucks per day. This translates to conservation of short and long-term cumulative impacts by minimizing air emissions, threats of hazardous material spills, and roadway traffic.

2.3 Alternatives Considered but Eliminated from Detailed Analysis

Alternative 2 would be installing the pipeline directly across the Franklin Mountains from east to west and then across urban El Paso, Texas. While this alternative is logically the shortest distance between the starting and ending points of the proposed petroleum delivery system, it is

not necessarily the most practicable and cost effective alternative. This alternative would involve disturbing many acres of native lands across rugged terrain. This route also goes directly through the Franklin Mountain State Park (resulting in possible Section 4f process involvement) and through previously undisturbed lands, wildlife habitats, and other sensitive environmental and ecological areas. In addition to the impracticable engineering and construction through a state park wilderness area, the Franklin Mountains rise to their highest point in this area of over 7,000 feet which adds to the infrastructure costs for transmitting petroleum products at these elevations. Because the route of Alternative 2 does not utilize an existing pre-disturbed corridor, additional time and costs would be expected to install the pipeline. In addition, directly across the mountain range to the west lies the heart of El Paso, Texas. Due to the urban development in the city, the pipeline would have to be routed either north or south of the city to avoid urban disturbance; thereby rendering the cost incurred directly over the highest portion of the mountain range to be an unnecessary expenditure. Additional costs beyond those suggested under the Preferred Alternative are also expected for future monitoring and maintenance of the line. For these reasons, Alternative 2 has been eliminated as a feasible alternative for the proposed pipeline.

Alternative 3 would be constructing the pipeline around the southern extent of the Franklin Mountains and subsequently through the southern portion of the city of El Paso. The southern extent of the Franklin Mountains is also rugged terrain and contains some undisturbed lands as that described in Alternative 2. However, this alternative possesses equal if not more complex engineering obstacles as those described for Alternative 2 due to the urban/residential/commercial areas that would be encountered. Due to setback requirements of the pipeline, establishing a route and purchasing ROW would be cost prohibitive. For these reasons, Alternative 3 has been eliminated as a feasible alternative for the proposed pipeline.

3 AFFECTED ENVIRONMENT

This Section describes the environment in the vicinity of the Project Area as it exists today, where pertinent existing development, effects, and disturbances are proposed. For those resources covered, descriptive information was obtained from a wide range of sources including the BLM and various other federal and state agencies as appropriate.

3.1 Air Quality

The Environmental Protection Agency (EPA) has set National Ambient Air Quality Standards (NAAQS) for six principal criteria pollutants listed as following:

- Ground-level ozone (O₃)
- Lead (Pb)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NO₂)
- Sulfur Dioxide (SO₂)
- Particulate Matter (PM₁₀ and PM_{2.5})

Areas that do not meet (or contribute to ambient air quality in a nearby area that does not meet) the NAAQS are designated as nonattainment, areas that meet NAAQS are designated as attainment, and areas that cannot be classified based on the available information are designated as unclassifiable.

The Proposed Action would occur within an area where the air quality is generally good and does not exceed the State or Federal air quality standards. The area is classified as a Class II area which allows a moderate degradation of air quality. Currently, there are 12 air quality monitoring stations within Doña Ana County. Four of these stations only monitor PM₁₀, two only monitor ozone, one monitors ozone and PM₁₀, one only monitors PM_{2.5}, one only monitors CO, and two monitor NO₂, ozone, PM₁₀, and PM_{2.5}. In Doña Ana County, one designated non-attainment area exists within proximity to the Proposed Action. The town of Anthony, New Mexico is a non-attainment area for PM₁₀.

Based on the air quality information from the Texas Commission on Environmental Quality (TCEQ), the pollutants of O₃, Pb, NO₂, PM_{2.5}, and SO₂ in El Paso County meet the NAAQS. Therefore, El Paso County is designated as attainment for the above pollutants.

In the city of El Paso, the CO nonattainment area was restricted to a narrow strip of the city along the Rio Grande, in El Paso County; adjacent to Ciudad Juarez, Mexico. On February 13, 2008, the TCEQ submitted a State Implementation Plan (SIP) revision to request redesignation of the El Paso CO nonattainment area to attainment for the CO NAAQS. This submittal also included a CO maintenance plan for the El Paso area and associated Motor Vehicle Emission Budgets (MVEB). The re-designation request and maintenance plan were approved by the EPA on August 4, 2008. Therefore, El Paso County is currently designated as attainment (maintenance) for CO.

The City of El Paso was designated nonattainment for PM₁₀ and classified as a moderate area upon enactment of the Federal Clean Air Act Amendments of 1990. On November 15, 1991, TCEQ submitted to the EPA the SIP revision for the El Paso moderate nonattainment area, to demonstrate that the area would attain the PM₁₀ NAAQS no later than December 31, 1994. Modeling of U.S. emissions indicated that the nonattainment area would have been in attainment in 1991, and at the 1994 deadline, if not for emissions transported from outside the United States. Based on §179B of the Federal Clean Air Act, which provides that an area does not have to meet the moderate nonattainment deadline if the state demonstrates attainment if not for emissions from another country, there was no requirement for a reasonable further progress demonstration. The EPA approved the El Paso PM₁₀ SIP revision, effective February 17, 1994. Therefore, El Paso County is currently designated as moderate nonattainment for PM₁₀.

3.2 Climate Change

Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years.

On-going scientific research has identified the potential effects of “greenhouse gas” (GHG) emissions (including carbon dioxide (CO₂); methane (CH₄); nitrous oxide (N₂O); water vapor; and several trace gases) on global climate. Through complex interactions on a regional and global scale, these GHG emissions cause a net warming effect of the atmosphere (making surface temperatures suitable for life on Earth). Primarily by decreasing the amount of heat energy radiated by the Earth back into space. Although GHG levels have varied for millennia

(along with corresponding variations in climate conditions), recent industrialization and burning of fossil carbon sources have caused CO₂ concentrations to increase, and are likely to contribute to overall climate change, typically referred to as global warming. Increase CO₂ concentrations also lead to preferential fertilization of growth of specific plant species.

Depending on where measurements are reported, some scientists believe global mean surface temperatures have increased nearly 1.0°C (1.8°F) from 1890 to 2006 (Goddard Institute for Space Studies 2007). The Intergovernmental Panel on Climate Change (IPCC 2007) and national Academy of Sciences (2006) indicated that by the year 2100, global average surface temperatures could increase 1.4 to 5.8°C (2.5 to 10.4°F) above 1990 levels, but also indicated that there are uncertainties in the modeled results; especially regarding how climate change may affect different regions. Observations and predictive models indicate that average temperature changes are likely to be greater in the Northern Hemisphere. Northern latitudes (above 24° N) have exhibited temperature increases of 1.2°C (2.1°F) since 1900, with nearly a 1.0°C (1.8°F) increase since 1970. Warming during the winter months is expected to be greater than during the summer, and increases in daily minimum temperatures are more likely than increases in daily maximum temperatures. Without additional meteorological monitoring systems, it is not possible to determine the spatial and temporal variability and change of climatic conditions.

3.3 Areas of Critical Environmental Concern (ACEC)

The Organ and Franklin Mountains ACEC covers approximately 56,480 acres in a north/south trend in southeastern Doña Ana County, New Mexico. To The northern half of the ACEC, near Las Cruces, New Mexico, the Organ Mountains are characterized by Organ batholith and related stratified pyroclastic rocks and quartz spires. The southern portion of the ACEC nearest the Texas border exhibits volcanic tuffs with interspersed rhyolite. Where the Organ Mountains meet the Franklin Mountains, near the Texas/New Mexico border, stratified marine deposits of limestone, dolostone and shale emerge as the dominant rock type where each type supports a unique and fragile cactus species. The northern portion of the ACEC, near Las Cruces, contains several natural springs that emerge from fractures in the rock and support valuable riparian ecosystems including rare endemic plants.

The relevance of this ACEC is demonstrated by its significant scenic value, endangered wildlife, endangered plant species, and historic sites. The ACEC possesses national significance of these and other resources based on their sensitivity to adverse change.

3.4 Cultural Resources

All work was completed in compliance with applicable federal and state legislation and procedures designed to protect nonrenewable cultural resources, including Section 106 of the National Historic Preservation Act of 1966 as amended (PL 89-665), the National Environmental Policy Act of 1969 (PL 91-852), the Archaeological Resource Protection Act of 1979 (PL 96-95), and Executive Order 11593 Class III cultural resource survey. This inventory was conducted under NMCRIS Number 123042, BLM Permit No. 122-2920-11-GGG (exp. 12/31/2012). This survey includes a total of 591.98 acres (128.27 ha). This is comprised of 39.62 acres (16.04 ha) of private lands and 227.35 acres (112.23 ha) of the BLM lands in Doña Ana County, New Mexico, and 228.55 acres (92.49 ha) of private lands and 46.46 acres (18.80 ha) of Fort Bliss lands in El Paso County, Texas.

Thirty-two isolated occurrences, seven in-use acequias, 16 previously recorded sites, and three newly identified sites were encountered during this survey project. Seven sites have been determined or are recommended eligible for nomination to the NRHP.

3.5 Farmland (Prime or Unique) / Vegetation

Farmland

According to the USDA, prime farmland soils consist of soils classified as those best suited for the production of food, feed, forage, fiber, and oilseed crops. These soils generate the highest yields with the least amount of expenditure. Prime farmland soils generally meet the following criteria:

- Adequate water supply is provided by precipitation or irrigation;
- Soils contain few or no rocks;
- Soils are permeable to water and air;
- Soils are not excessively erodible or saturated for long periods of time; and
- Soils do not flood frequently or are protected from flooding

El Paso County contains 168,566 acres of prime farmland. and Doña Ana County contains 589,373 acres of prime farmland. The Proposed Action would not result in the loss of any prime farmland. The Proposed Action would only temporarily disrupt an estimated 30 acres located within El Paso County and 18 acres of land located in Doña Ana County during construction. This represents 0.018% and 0.003%, respectively, of the land classified as prime farmland in the two counties.

Vegetation

In the area of the Proposed Action, identified rangelands occur within the northern portion of the Chihuahuan Desert, which covers most, if not, all of Doña Ana County. This part of the Chihuahuan Desert is within the Southern Desertic Basins, Plains and Mountains Major Land Resource Area and is predominantly a shrub desert and is characterized by a relatively low biological diversity of perennial plant life. On the east side of the Rio Grande the proposed pipeline will pass through gravelly and limestone hills ecological sites. These ecological sites are composed mainly of creosotebush, mariola, yucca, agave, prickly pear cactus, acacia, ocotillo, bush muhly, three awns and black grama. Common to this area are yucca, agave, creosote bushes, prickly-pear cactus, honey mesquite, acacia, and ocotillo. On the west side of the Rio Grande the proposed pipeline will pass through gravelly sand, shallow sandy and sandy ecological sites. These ecological sites are composed mainly of honey mesquite, creosotebush, fourwing saltbush, snakeweed, dropseeds and three awns.

According to the USDA NRCS, the total estimated rangeland present in Doña Ana County is 1,256,537 acres. The Proposed Action would not result in the loss of any rangeland. Pipeline construction activities would temporarily disrupt an estimated 158 acres of land located in the southern and far eastern portions of Doña Ana County. This represents 0.013% of the land classified as rangeland in the county.

An overview map depicting existing land cover use is included as Figure 4, Appendix A.

3.6 Livestock

The proposed pipeline would cross through three grazing allotments. The La Union Allotment # 03022 is composed of 41,670 acres of public land, 5,846 acres of state land and 40 acres of private land. It is authorized for 239 cattle from March 1 to February 28 each year billed at 87% public land. The Chaparral Allotment #15001 is composed of 1,660 acres of public land, 787 acres of private land and 120 acres of state land. It is authorized for 100 cattle from March 1 to February 28 each year billed at 45% public land. The Anthony Gap Allotment # 15004 is composed of 8,298 acres of public land and is authorized for 36 cattle from March 1 to February 28 each year billed at 100% public land. The allotments are grazed year long and run as a cow-calf operations. The allotments contain various rangeland improvements including pasture fences, allotment boundary fences, pipelines, storages, troughs and dirt tanks.

3.7 Floodplains

Based on a review of electronic FIRM (Flood Insurance Rate Maps) created by the Federal Emergency Management Agency (FEMA), a small portion of the Project Area lies within jurisdictional floodplains. These are limited in size and are located northward from Fort Bliss to the New Mexico State line in El Paso County and near the city of Anthony in portions of Doña Ana and El Paso Counties. These areas are characterized as Zone A; where the 100-year or base flood zone is mapped by approximate methods and where base flood elevations may or may not be determined. The overview floodplain maps for El Paso and Doña Ana Counties are included as Figures 7-1 and 7-2, respectively in Appendix A. Additional subset maps showing flood zones are also included for each county.

3.8 Hazardous and Solid Wastes

Hazardous materials are identified and regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Occupational Safety and Health Administration (OSHA), and the Emergency Planning and Community Right-to-Know Act (EPCRA). Hazardous materials are defined to include any substance with special characteristics that could harm people, plants, or animals. Hazardous waste is defined in the Resource Conservation and Recovery Act (RCRA) as any solid, liquid, contained gaseous or semisolid

waste, or any combination of wastes that may pose a substantial hazard to human health or the environment.

For the Proposed Action, the concern with hazardous materials or solid waste stems primarily from the potential for encountering previously dumped or stored hazardous waste within the Project Area and/or refined petroleum products released to the environment by equipment leaks or potential leaks and ruptures during product transmission through the operating pipeline.

Magellan would develop and implement procedures for responding to hazardous materials encountered during construction or de minimis spills and leaks from equipment, construction activities. All field-based personnel would undergo spill response training possess written spill management plans while performing construction activities. Each field construction site would be equipped with spill response equipment including absorbent booms, personal protective equipment, and waste containers in the event of a manageable spill. Magellan would retain an emergency response team on stand-by for any material release that is beyond the capacity of the field personnel or for any hazardous materials encountered during construction. Magellan would also coordinate its construction activities with the appropriate Emergency Planning Offices of Doña Ana and El Paso counties and establish clear lines of communication in the event of an emergency. Operation of the pipeline would be addressed in Magellan's Facility Response Plan (FRP).

3.9 Invasive Non-native Species

Under authority of the New Mexico Noxious Weed Management Act of 1998, the New Mexico Department of Agriculture targeted certain non-native plants as noxious weeds (DuBois, 1999). Noxious weeds are plants that are not indigenous to New Mexico and that pose a threat to the environment. These plants have been divided into three classes based on their occurrence throughout the state. Class A species are those with limited distribution or are not present within the state. Class B species are more widely distributed but are limited to certain areas. Class C species are generally widespread throughout the state. Target species for Doña Ana County are listed as follows:

Noxious or Invasive Weeds Occurring in Doña Ana County

Common Name	Scientific Name	Classification
Onionweed	<i>Asphodelus fistulosa</i>	A
Hoary Cress or Whitetop	<i>Cardaria draba</i>	A
Spotted Knapweed	<i>Centaurea maculosa</i>	A
Malta Starthistle	<i>Centaurea melitensis</i>	B
African Rue	<i>Peganum harmala</i>	B

Noxious or Invasive Weeds Identified 1

Salt Cedar (*Tamarix sp.*) is also listed as a Class C invasive species with widespread distribution throughout the county and along portions of the Lower Rio Grande River.

Among the several species identified in Doña Ana County; the African Rue (*Peganum harmala L.*) was selected by the BLM during project scoping activities as one of the more unfavorable invasive species. Field personnel were instructed to evaluate both the BLM and Fort Bliss properties for its occurrence along the proposed route.

During field reconnaissance for the proposed pipeline route, field personnel examined federal properties for the invasive plant species commonly referred to as the African Rue (*Peganum harmala L.*). This species was not observed on the properties associated with Fort Bliss; however, four occurrences were noted within the BLM properties. Specifically, this species, when observed, was located near ephemeral drainages in the lower elevations abutting the Franklin Mountains. Two of the occurrences were noted to be single individuals, while the other two occurrences were noted as multiple individuals within a concentrated area on an ephemeral waterway.

The State of Texas does not have a classification system similar to New Mexico but does list certain species as noxious and with varying occurrences throughout the state. NRCS research identified two invasive species with documented occurrences in El Paso County. These are Camelthorn (*Alhagi pseudalhagi*) and Salt Cedar (*Tamarix sp.*). Salt Cedar is the most widely distributed phreatophyte in Texas. It has dominated the native vegetation, increased salinity of the soil and water, increased flooding, and increased water loss. As stated above, the Salt Cedar is mostly confined to the Lower Rio Grande River in Texas and is not expected to be

encountered during construction. Camelthorn occurrences have been documented in El Paso County; however its sparse occurrence makes it suitable to be treated akin to a Class A or B species.

3.10 Wildlife and Wildlife Habitat

The distribution and quality of wildlife habitats in the area reflects effects from many decades of livestock grazing and other human uses, including several large pipelines parallel to the proposed pipeline route. As a result, the existing abundance and distribution of wildlife species reflects the capability of habitats in these allotments to support wildlife on a human-influenced landscape.

The BLM conducted an inventory of wildlife habitats in Doña Ana County using the Integrated Habitat Inventory and Classification System (IHICS) in 1982. Standard Habitat Sites (SHS) occurring as of 1982 include:

- Grass Flat
- Grass Rolling Upland
- Mixed Shrub Rolling Upland
- Creosote Rolling Upland
- Mesquite Rolling Upland
- Grass Mountain
- Mixed Shrub Mountain
- Arroyo

Standard Habitat Site descriptions are available from the Las Cruces District Office.

The majority of the wildlife habitat within the proposed pipeline corridor consists of creosote rolling upland and mesquite rolling upland (including coppice mesquite dunes). Some arroyo habitats would be affected, as would some limestone hill sites.

The area provides habitat for approximately 8 species of amphibians, 41 species of reptiles, 55 species of mammals, and 140 species of birds. Checklists of wildlife found in Doña Ana County, by habitat type, are available from the Bureau of Land Management, Las Cruces District Office.

Representative Herptiles include side-blotched lizards, western whiptails, checkered whiptails, collared lizards, eastern fence lizards, Couch’s spadefoots, gopher snakes, coachwhips, and western diamondback rattlesnakes. Common mammals include Ord’s kangaroo rats, desert pocket mice, desert cottontails, spotted ground squirrels, rock squirrels, black-tailed jackrabbits, and mule deer. Birds include black-chinned sparrows, Say’s phoebe, cactus wrens, mourning doves, red-tailed hawks, turkey vultures, Chihuahuan ravens, and many species of small songbirds.

3.11 Special Status Species

Special Status Plants

Presence of special status plant species and their habitats in Doña Ana County was considered using LCDO species occurrence/habitat records and New Mexico Natural Heritage Program species records. Species descriptions and distributions were derived from LCDO office records and New Mexico Rare Plant Technical Council [NMRPTC. 1999. New Mexico Rare Plants. Albuquerque, NM: New Mexico Rare Plants Home Page: <http://nmrareplants.unm.edu> (Latest update: 18 January 2006)]. Based on evaluation of the referenced information, of the 21 rare or special status plant species known to occur in Doña Ana County, three species may occur in the proposed action area.

Special Status Plant Species

Species Name	Habitat
Sand prickly pear	Sandy Berino soils near Chaparral and Anthony New Mexico and beyond
Night-blooming cereus	Creosote-dominated gravelly soils
Sneed’s pincushion cactus	Fusselman dolomite formations

Special Status Plant Species 1

Special Status Animal Species

Special Status animal species lists for Doña Ana County were compiled from:

- (www.wildlife.state.nm.us/conservation/threatened_endangered_species/index.htm and
- www.fws.gov/ifw2es/NewMexico/SBC_view.cfm?spcnty=DoñaAna).

Known geographic distribution and habitat requirements were considered for each species in comparison with habitat types in the Organ Mountains. Of the species listed by the USFWS as

species of concern in Doña Ana County, nine species are considered to have potential habitat within the proposed action area and are presented below. Habitat descriptions for these special status wildlife species are available from the BLM LCDO.

Special Status Animal Species

Species Name	Status
Desert bighorn sheep	BLM Sensitive
Townsend’s big-eared bat	USFWS Sensitive
Spotted bat	BLM Sensitive
Common black hawk	BLM Sensitive
Aplomado falcon	USFWS Endangered
Southwest willow flycatcher	USFWS Endangered
Burrowing owl	BLMS, USFWS
Bell’s vireo	BLM Sensitive
Gray vireo	BLM Sensitive

Special Status Animal Species 1

3.12 Water Resources

The Proposed Action would traverse a region where groundwater resources are present in the shallow groundwater of the Rio Grande Aquifer and deeper groundwater resources of the Hueco-Bolsons Aquifer.

In the vicinity of the proposed Project Area, almost 200 feet of Rio Grande alluvium overlies the uppermost portion of the Hueco-Bolsons Aquifer. The Rio Grande Aquifer System is the principal aquifer in a 70,000-square-mile area of southern Colorado, central New Mexico, and western Texas. It consists of a network of hydraulically interconnected aquifers in basin-fill deposits located along the Rio Grande Valley and nearby valleys. Recharge to the Rio Grande aquifer system primarily originates as precipitation in the mountainous areas that surround the basins. Runoff from snowmelt or rainfall enters the basins and generally flows for short distances across permeable alluvial fans before the water percolates downward through streambeds or evaporates.

Groundwater loss from this aquifer system occurs through evapotranspiration, groundwater withdrawal by wells and drains, and discharge to stream flow. Because of the extreme arid

climate of the region, significant water loss occurs by evaporation from moist soil, surface water, and by transpiration from vegetation. Groundwater withdrawal primarily occurs through discharge from pumping wells; by which about 90 percent is used for irrigation of commercial crops. Public water supplies for most cities and communities in the area rely on this groundwater resource for drinking, industrial and agricultural use. According to the United States Geological Survey (USGS) groundwater monitoring wells located in the vicinity of the proposed project area nearest the Rio Grande River, groundwater levels range from 14.8 to 16.3 feet below ground surface (bgs) as of February 2012.

The chemical composition and dissolved-solids concentration of water in the aquifer system are affected by the quality of the recharge water that enters it, the type and solubility of minerals present in the surrounding basin fill, and the quantity of water lost by evaporation and transpiration. Water loss to evapotranspiration also results in the accumulation of various minerals in the soil to form alkali and salt deposits. Mineral accumulations can also result from infiltration of precipitation or irrigation water. In the lower Rio Grande Valley near Las Cruces, New Mexico, infiltration of irrigation water has produced a slightly saline zone that is about 100 to 150 feet thick at the top of the aquifer.

The majority of El Paso County directly overlies the Hueco-Mesilla Bolsons Aquifer which is recognized as a major aquifer in Texas and northern Chihuahua, Mexico. The aquifer extends from southern Hudspeth County, located in Texas, and northern Chihuahua, Mexico, northward along the Rio Grande River and into southern New Mexico on the east side of the Franklin Mountains. The aquifer is composed of basin fill deposits of silt, sand, gravel and clay; and the water quality ranges from fresh near the surface to saline at deeper depths. Aquifer recharge is provided by runoff from the Franklin and Hueco mountains and by surface waters from the Rio Grande River. For the cities of El Paso and Ciudad Juarez, most of the water pumped from the aquifer is used for public supply and is supplemented by water from the Rio Grande River as a water management strategy.

3.13 Waterways

Potential “waters of the United States” other than wetlands (hereinafter referred to as “waterways”) include, but are not limited to, un-vegetated ephemeral pools, lakes, and perennial, intermittent, and ephemeral stream channels that consist of navigable waters, tributaries to navigable waters, or waters that the destruction or degradation of which could affect navigable waters.

An investigation was performed to determine if any potentially jurisdictional wetlands/waterways are located within the surveyed corridor. A total of 225 Field Sites (FS) were identified as potential jurisdictional waterways with 45 waterways located in Texas and 180 waterways located in New Mexico (see Figures 3.1 to 3.22, Appendix A). The majority of the waterways were identified as either ephemeral, intermittent, or lined or unlined irrigation channels that would be crossed either by trenching or HDD depending on their size. One perennial waterway (Rio Grande River) was identified and its crossing would be accomplished by HDD. Based on preliminary HDD plans, Magellan estimates that the length of piping from HDD entry to exit across the Rio Grande River would be approximately 1,633 feet.

Based on the visual assessment of the proposed pipeline route and review of the engineering practices to be employed by Magellan, the proposed project would warrant Section 404 coverage via a Nationwide Permit 12 (NWP 12 – *Utility Line Activities*) from the Albuquerque, NM District USACE Office unless all identified “Waters of the U.S.” are entirely avoided via HDD.

Magellan is coordinating applicable permits with the International Boundary and Water Commission (IBWC) in regard to crossing the Rio Grande Floodplain. Also, a general sand and gravel permit is being sought from the Texas Parks and Wildlife Department (TPWD) for trenching select waterways in Texas. No such sand and gravel trenching permits are required in New Mexico.

3.14 Paleontological Resources

Many geologic formations have the potential to contain paleontological resources; however, those containing vertebrate fossils are considered to be the most scientifically significant. The

Paleontological Resources Preservation Act (Public Law 111-11, Title VI, Subtitle D), along with subsequent guidance from the BLM has established procedures for consideration of effects to paleontological resources as well as mitigation measures for treating unavoidable effects.

The Potential Fossil Yield Classification (PFYC) system is a data layer based on identified geologic units and their potential to contain paleontological resources. The PFYC ranks fossil potential on a scale of 1 – 5, with 1 representing a geologic unit where fossil preservation is unlikely and 5 representing a geologic unit that is known to be rich in paleontological resources. The PFYC should be considered a guide to aid in making management decisions to protect paleontological resources. It is important to note that while a specific geologic unit is ranked as a “PFYC 2”, that designation can be changed if important fossils are later found to be present in the unit.

Based on the PFYC class and any additional resource information, the probability of affecting significant paleontological resources is assessed. If the PFYC class for the affected area is Class 1 or 2, and there are no known localities within the area, no further assessment is typically needed.

If the area is a Class 4b (buried bedrock with High Potential) or Class 5b (buried bedrock with Very High Potential), an assessment of the possible effects to bedrock units must be made and supported. If the proposed action would not penetrate the protective soil or alluvial layer, a pre-work survey or monitoring during the activity may not be necessary. If the potential exists to remove the protective layer and affect the bedrock unit below, it may be prudent to require a pre-work field survey and/or on-site monitoring during disturbance or spot-checks at key times. Because the bedrock unit is typically buried for much of the area in question, a pre-work survey may not always be necessary, as the fossil material may not be visible. However, it may then be more important to have an on-site monitor during disturbance or spot-checks at key times.

The proposed project area lies within a PFYC 4 where the Santa Fe Group is exposed in eroded profile along the east and west sides of the Rio Grande valley. The Santa Fe Group is a rock-stratigraphic unit comprising a complex sequence of unconsolidated to moderately consolidated

sedimentary deposits, and some basalts, that partly fill the intermontane basins along and adjacent to the Rio Grande Depression. The upper limit of the Group is the surface of the youngest basin-fill deposits pre-dating initial entrenchment of the present Rio Grande Valley system in middle Pleistocene time. The Jornada, La Mesa, Doña Ana, and Palomas geomorphic surfaces and associated soils commonly mark the upper boundary of the Group in southern New Mexico.” *Hydrology of the Rio Grande Valley and Adjacent Intermontane Areas of Southern new Mexico*, (1969) by King, W.E., et al, New Mexico State University, Las Cruces, New Mexico.

On most terrace surfaces, soil development is weak and shallow. These recent (<10,000 years) alluviums are not expected to host fossilized materials, with the occasional exception of isolated and fragmentary plant (petrified wood) and bone. On the other hand, the basin floors may exhibit older, better developed soils, often underlain by cemented carbonates. In many areas these carbonate lenses effectively seal potential fossil bearing strata beneath an indurated layer of “caliche”.

Many project proposals have little effect on paleontological resources because they either cross younger terraces where the potential for significant fossiliferous material is low, or they do not penetrate deeply enough through cemented carbonates to reach underlying soils and formations that are of sufficient age to host fossil specimens.

3.15 Soils

Soil types along the proposed pipeline route consist of predominantly non-hydric soils starting at Fort Bliss Texas and extending through Anthony Gap, and west of the Rio Grande River in Doña Ana County, New Mexico. Partially hydric soils are present along the proposed route only in the northern section of El Paso County Texas; just east of the Rio Grande River.

The proposed pipeline route has been broken down into five segments starting from Fort Bliss and extending through Anthony Gap and ending near Strauss, Doña Ana County, New Mexico. The first segment is characterized by fine loamy, mixed soils belonging to the McNew Copia series. Segment two extends from just south of the Texas / New Mexico border into Doña Ana

County toward the northwest and is comprised predominantly of fine to course loamy soils belonging to the Turney Berino and Onite Pajarito series. Segment three, in Doña Ana County extends through Anthony Gap and is characterized by loamy, skeletal, carbonatic soils belonging to the Tencee Upton series. Segment four turns southward from Doña Ana County into Texas and then west across the Rio Grande River. These soils belong to the Delnorte Canutio series and are characterized as partially hydric, loamy, and skeletal. Westward across the Rio Grande River, segment five consists of Harkey series loam and southward into course, loamy, mixed and non hydric soils belonging to the Wink Pintura series (see Figure 5, Appendix A).

3.16 Visual Resources

The visual resource inventory process provides the BLM managers with a means for considering visual values in the resource management planning (RMP) process. The inventory consists of a scenic quality evaluation, sensitivity level analysis, and a delineation of distance zones. Based on these three factors, BLM-administered lands are placed into one of four visual resource inventory classes. These inventory classes represent the relative value of the visual resources. Classes I and II, being the most valued, require the existing character of the landscape to be preserved or retained. Class III represents a moderate value where the existing landscape may be partially retained. Class IV, being of least value provides for management activities which require major modification to the landscape. These inventory classes provide the basis for considering visual values in the RMP process.

According to the Mimbres RMP, the Proposed Action falls within areas classified as Visual Resource Management (VRM) Class I and III. The management objectives in Class I and III areas allow for preservation and partial retention, respectively, of the existing character of the landscape. The VRM Class I area where the Proposed Action will occur is also an area that has been previously disturbed due to the installation of other pipelines. Therefore, the level of change to the characteristic landscape cannot be fully preserved but should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

3.17 Realty

The proposed pipeline ROW would intersect or would be located adjacent to numerous other existing ROWs as identified in the table below. All ROW holders would be notified of the proposed action.

The proposed pipeline would intersect a Regulatory Statute 2477 (RS-2477) road claimed by Doña Ana County, commonly known as County Road A-020 (BLM serial number NMNM 57029). Intersection would occur in T. 27 S., R. 2 E., sec. 23, NW¼. RS-2477 ROWs are commonly observed as 60 foot wide. As identified in the proposed action’s design features, the pipeline would be installed by HDD; the HDD would occur outside 30 foot from the centerline of A-020. Written permission to locate the pipeline under the RS-2477 claim would be obtained from Doña Ana County (see Appendix C, letter dated August 28, 2012 to Doña Ana County from BLM).

BLM Serial Number	Holder Name	Facility Type
NMLC 0064867	El Paso Natural Gas Company	Natural Gas Pipeline
NMLC 0068892	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 0000161	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 000794	El Paso Electric Company	345kV Power line
NMNM 003166	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 007967	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 009645	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 0161160	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 0016349	Plains Pipeline LP	Natural Gas Pipeline
NMNM 0018856	SFPP LP	Petroleum Products
NMNM 022000	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 024750	SFPP LP	Cathodic Protection
NMNM 027884	El Paso Electric Company	13.8/24 kV Power line
NMNM 029898	El Paso Electric Company	Transmission Line
NMNM 052925	Federal Highway Administration	Highway 404
NMNM 052992	Vanguard Wireless LP	Communication Site Access Road
NMNM 057029	Dona Ana County	RS-2477, County Road A-020
NMNM 057093	El Paso Electric Company	13.8/24 kV Power line
NMNM 063880	United States Geological Survey	Well Site/Pipeline
NMNM 067591	Qwest Corp	Telephone Line

BLM Serial Number	Holder Name	Facility Type
NMNM 069992	El Paso Natural Gas Company	Meter Site
NMNM 083956	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 086760	New Mexico Gas Company	Natural Gas Pipeline
NMNM 097790	La Union Sewer & Water Association	Water Facility
NMNM 102626	El Paso Electric Company	24kV Power line
NMNM 106193	El Paso Global Networks	Fiber Optic Line
NMNM 106205	Mr. Stanley Jobe	Road
NMNM 115188	SFPP LP	Petroleum Products
NMNM 117293	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 122511	Qwest Corporation	Telephone Line
NMNM 0283308	NM Department of Transportation	Federal Aide Highway
NMNM 0315763	El Paso Electric Company	230kV Transmission Line
NMNM 0555216	El Paso Natural Gas Company	Natural Gas Pipeline
NMNM 0560173	Qwest Corp	Telephone Line

Adjacent BLM Rights of Way 1

4 ENVIRONMENTAL EFFECTS

This section describes the direct, indirect, and cumulative impacts expected to occur as a result of implementing the Proposed Action. An environmental impact is defined as a modification or change in the existing environment as a result of actions taken. Effects may be beneficial or adverse, may be assessed based on their duration, severity, or relation to the Proposed Action, and may vary in severity from only a slight discernible effect to significant effect.

In conjunction with evaluating the direct and indirect effects posed by the Proposed Action, the No Action alternative was also evaluated regarding its potential effects to the identified resources. Because it is determined that there would be no change in any of the identified resources from current conditions under the No Action alternative, the No Action alternative is not discussed further with respect to each identified resource. However, the No Action alternative does not meet the purpose and need for the project.

4.1 Air Quality

Construction activities including sand and gravel extractions would have appropriate measures implemented to mitigate effects to air quality (i.e. dust suppression). Construction emissions associated with the Proposed Action would include PM₁₀, SO₂, NO_x, CO, and VOCs. These emissions would result primarily from construction equipment and physical disturbance of surface soils during project construction and would be temporary. The emissions are limited to the work zones with minimum effect to surrounding areas.

4.2 Climate Change

There are no air pollutant emission sources located closer than two miles from the outer boundary of the project area. This distance is sufficiently large that only other past, present, and reasonably foreseeable future emission sources in an area would have potential cumulative air quality effects.

No other potential air pollutant sources are located within the project area. Cumulative effects to air resources are limited to those previously discussed under the Proposed Action.

Climate change effects are not anticipated as a result of the Proposed Action. During construction activities, all emissions containing GHG would be emitted from internal combustion engines, however, these emissions would be brief in nature, isolated within the work zone, and dissipate quickly. Following construction, no facilities would be in operation along the pipeline route, including the pipeline itself, which could create any GHG emissions.

4.3 Areas of Critical Environmental Concern (ACEC)

The Proposed Action would occur within the southernmost extent of the Organ/Franklin Mountains ACEC in an area commonly known as Anthony Gap. The pipeline would be installed along an existing pipeline corridor and therefore, would not result in disturbance of resources. Separate studies have been conducted for biological, cultural and paleontological resources in this area as well as the entire proposed pipeline route and no significant findings are reported that could result in any adverse effect to the ACEC.

4.4 Cultural Resources

A Programmatic Agreement (PA) has been developed for this project to address cultural resources (see affected environment) and any associated mitigation measures. It is included in Appendix B.

4.5 Farmland (Prime or Unique) / Vegetation

Farmland Effects

The Proposed Action would not result in the loss of any prime farmland. Potential effects of the proposed action on agricultural uses and prime farmland soils from the Proposed Action include soil erosion, interference with and damage to agricultural surface and sub-surface drainage systems and irrigation systems, the mixing of topsoil and subsoil, the potential loss of fertile topsoil, and topsoil compaction. However, these effects are temporary in nature. Areas where the pipeline crosses would be restored by replacing fertile topsoil, re-vegetating, and grading in order so that row-crop farming or grazing can continue.

The Proposed Action would not result in the loss of any prime farmland. The Proposed Action would only temporarily disrupt an estimated 30 acres located within El Paso County during

construction. This represents 0.018% of the land classified as prime farmland in the county. However, affected property would be restored for original use. Similarly, the Proposed Action would only temporarily disrupt an estimated 18 acres of land located in Doña Ana County during construction. The represents 0.003% of the land classified as prime farmland in the county. However, affected property would be restored for original use. This represents a very small fraction of the prime farmland soils available and would not significantly reduce the overall agricultural production in the Project Area.

The Proposed Action would result in the temporary disturbance of approximately 30 acres or roughly 0.018% of the prime farmland in El Paso County, Texas, and approximately 18 acres or 0.003% in Doña Ana County, New Mexico. This represents a very small fraction of the prime farmland soils available and would not significantly reduce the overall agricultural production in the Project Area.

Vegetation Effects

When evaluating potential effects to vegetation, the key attributes to be considered are soil stability, hydrologic function and biotic integrity. Construction and maintenance activities may affect vegetation establishment in rangelands through the alteration of biological carrying capacity, soil loss/compaction, and through the direct removal and destruction of vegetation. Activities may also damage or remove fencing and/or natural barriers used for livestock and wildlife control and unintentionally trap or harm livestock or wildlife that may enter the construction zone.

Magellan would re-grade and restore lands to their previous condition so that existing land uses remain functional and such that drainage area crossings maintain their natural flow patterns. Continued use of the ROWs for maintenance purposes may prevent vegetation from successfully reestablishing within the affected area. The construction zone would be equipped with high-visibility temporary fencing to control random entry of livestock and wildlife.

All range improvements (i.e. fences, gates, pipelines, troughs) damaged during installation and/or maintenance of the Magellan Pipeline would be repaired to the original functioning

condition. Repaired fences must remain as an effective barrier to livestock. Any gates placed in the fences along the length of the pipeline would need prior approval/authorization by the BLM and perform as an effective barrier to livestock. If range improvement projects were damaged during installation and / or maintenance of the pipeline the BLM would be notified and would inspect and approve the repairs of any range improvement project.

The Proposed Action would not result in a significant loss of any rangeland vegetation. Construction activities are expected to temporarily disrupt an estimated 158 acres of land located in the southern and far southeastern portions of Doña Ana County. The potentially affected area represents 0.013% of the land classified as rangeland in the county and is not significant.

4.6 Livestock

The proposed pipeline would have no effect on the livestock grazing, but would affect range improvement projects. The proposed pipeline would cross through various allotment boundary fences, pasture fences and an existing pipeline and trough (see Figure 6 in Appendix A). The grazing permittee and the BLM would be notified prior to the start of any construction or maintenance activities that would directly affect rangeland improvements. If range improvement projects were damaged during installation and / or maintenance of the pipeline the BLM would be notified and would inspect and approve the repairs of any range improvement project. All range improvements (i.e. fences, gates, pipelines, troughs) damaged during installation and/or maintenance of the Magellan Pipeline would be repaired to at least the original functioning condition. Repaired fences must remain as an effective barrier to livestock. Any gates placed in the fences along the length of the pipeline would need prior approval/authorization by the BLM and perform as an effective barrier to livestock. The construction zone would be equipped with high-visibility temporary fencing until permanent fencing is rebuilt to control random exit/entry of livestock.

A stipulation to repair any range improvement projects damaged during the pipeline installation and/or maintenance would be included to mitigate any damages. The no action alternative would have no significant effect to livestock.

4.7 Floodplains

Based on a review of electronic FIRM (Flood Insurance Rate Maps) created by the Federal Emergency Management Agency (FEMA); only a small portion of the proposed Project Area lies within jurisdictional floodplains. These areas are characterized as Zone A; where the 100-year or base flood zone is mapped by approximate methods and where base flood elevations may or may not be determined. No zone A areas have been identified on the BLM property.

The pipeline would cross two zone A areas within El Paso County located east of the La Tuna Correctional facility and on the east side of the Rio Grande River. The estimated acreage to be disturbed across these two areas totals 6.1 acres (refer to Figure 7, Appendix A). No significant adverse effects to floodplain areas have been identified as a result of the Proposed Action.

4.8 Hazardous and Solid Wastes

Based on a preliminary evaluation of the proposed project area, no contaminated soils, groundwater, or hazardous material sites are present within the proposed construction ROW. During land access negotiations, Magellan also plans to conduct interviews with landowners along the route in order to gather additional information on potential contamination hazards that may be present from historical operations in the area. If such contaminated locations are identified, Magellan would complete a detailed evaluation of the hazard and develop mitigation measures to properly address each specific situation. Mitigation may include measures such as, modification of the construction zone to avoid contamination and to properly remove wastes prior to construction.

Contamination from spills or leaks of fuels, lubricants, coolants, and solvents from construction equipment could affect soils. Magellan's FRP includes clean-up procedures designed to minimize soil contamination that could result from accidental spills or leaks of fluids from construction-related equipment or operations. Magellan would implement the procedures set forth in the FRP to minimize the spread of contamination and to ensure the health and safety of construction workers and the general public. Magellan's FRP includes the following preventive measures:

- Implement preventative measures to avoid hazardous material spills or leaks

- Specify locations for refueling, lubricating, and equipment washing
- Provide daily inspection and maintenance for vehicles and heavy equipment
- Define proper storage and handling of fuels, lubricants, and hazardous materials
- Formulate spill response procedures
- Establish reporting and notification protocols to state and local emergency management offices

4.9 Invasive Non-native Species

Invasive and non-native plant species are commonly found along roadways, ephemeral drainages, and within previously disturbed areas. Because much of the proposed pipeline would follow an existing pipeline corridor, various species may be encountered. However, based on the sparse occurrence of the African Rue and other invasive species within Doña Ana County, concentrated populations would likely not be encountered along the proposed route. Similarly, based on the limited occurrence of invasive species within El Paso County, encounters are not expected. The construction activities could spread existing weed establishments if not avoided and/or treated effectively. The construction and maintenance activities of the proposed pipeline would make the area more vulnerable to weeds if previously undisturbed areas are disturbed or if previously disturbed areas are redisturbed. However, based on the sparse occurrence of the African Rue and other invasive species within Doña Ana County, concentrated populations would likely not be encountered along the proposed route. Similarly, based on the limited occurrence of invasive species within El Paso County, encounters are not expected. Reseeding efforts would take place after the construction activities and stipulations to avoid and treat weeds along the pipeline route would be included to help reduce the occurrence and spread of weeds.

4.10 Wildlife and Wildlife habitat

Installation of the proposed pipeline would have both short-term and long-term effects to wildlife habitat. During construction, wildlife would be temporarily displaced by the presence of people and vehicles, which most wildlife species avoid. There would be ground disturbance of an estimated 336 acres along the entire length of the proposed 36.7-mile pipeline. In the longer term, these disturbances would dissipate, and subsequent disturbances would be mainly confined to the ROW corridor. Wildlife would use the habitat in the corridor as vegetation reoccurs and the human disturbance disappears.

The distribution and quality of wildlife habitats along the proposed pipeline route reflects effects from many decades of livestock grazing. As a result, the existing abundance and distribution of wildlife species reflects the capability of these habitats to support wildlife on a grazed landscape. Additionally, through the transportation corridor in Anthony Gap, existing wildlife populations are affected by the existing State Highway and previously installed underground pipelines.

The BLM conducted an inventory of wildlife habitats in Doña Ana County using the Integrated Habitat Inventory and Classification System (IHICS) in 1980. Standard Habitat Sites (SHS) occurring along the proposed pipeline route as of 1980 include:

- Creosote Rolling Upland (50%)
- Creosote Breaks (8%)
- Mixed Sand Dunes (41%)
- Arroyo (1%)

SHS descriptions are available from the BLM Las Cruces District Office.

4.11 Special Status Species

Special status species habitat on public lands in the Organ Mountains would not be anticipated to be significantly affected by installation of the proposed pipeline. Since a biological survey of the proposed pipeline route did not find any individuals or populations of any special status species, construction activities would not be expected to directly affect any special status species.

Plants

Construction activities may cause direct mortality of to individual special status plants, but would not be anticipated to have long-term effects to populations.

Animals

Any of the special status animal species listed below would be expected to occasionally travel across the proposed pipeline route. However, none of these animals are dependent on the potential habitat within the pipeline corridor. They would be expected to avoid the area during

pipeline construction, but would return to normal activities following completion and rehabilitation of the pipeline construction.

- Desert bighorn sheep
- Townsend's big-eared bat
- Spotted bat
- Common black hawk
- Aplomado falcon
- Southwest willow flycatcher
- Baird's sparrow
- Burrowing owl
- Bell's vireo
- Gray vireo

4.12 Water Resources

The Proposed Action is not expected to affect the presence or availability of the groundwater resource in either the Rio Grande Alluvium or Hueco-Mesilla Bolsons Aquifers. Current well locations are not located in proximity to the Project Area and construction activities including surface excavations and possible subsurface directional borings would be accomplished at relatively shallow depths and would not adversely affect the native soils of the Aquifer's large zones.

4.12

There is limited potential for surface water contamination as a result of operations associated with the Proposed Action. Construction design features and reclamation techniques would minimize any potential effect to surface water resources and water quality resulting from activities associated with the Proposed Action. Therefore, no adverse effects are expected to surface or sub-surface water quality as a result of the Proposed Action.

4.13 Waterways

Coverage under NWP 12 would be achieved via self-certification. Additional notification would not be submitted to the USACE due to the fact no additional criteria have been met that would trigger a pre-construction notification (PCN) submittal for full NWP 12 concurrence (i.e.

disturbance > 1/10th of an acre). All waterways that could potentially result in a disturbance greater than 1/10th of an acre would be crossed via HDD so that effects to those waters would be avoided altogether. A concurrence letter from USACE is included in Appendix C.

4.14 Paleontological Resources

Potential impacts in fossil localities during construction could include direct impacts such as damage to, or destruction of, fossils resulting from excavation activities; indirect impacts such as erosion of fossil beds resulting from slope grading and clearing of vegetation; and unauthorized collection of significant fossils by construction personnel or the public.

The proposed route crosses approximately 14 miles of area identified as a Potential Fossil Yield Classification (PFYC) 4. Vertebrate fossils and some invertebrate or plant fossils have been documented in these areas but may vary in occurrence. The eastern escarpment exposure has not been investigated and the density of paleontological resources is unknown. This area would be monitored during construction activity.

Approximately 1.15 miles of the proposed route that crosses the escarpment west of the Rio Grande also has a Class 4 PFYC rating and is paleontologically sensitive. Surface disturbances in this area during construction would require paleontological monitoring along the escarpment according to the BLM's Instruction Memorandum (IM) 2009-011, dated October 10, 2008 – "Assessment and Mitigation of Potential Impacts to Paleontological Resources.

4.15 Soils

Construction activities during installation of the pipeline would result in brief disturbances to the soils where some loss of erosion control may occur. Heavy equipment operation also may cause excessive compaction in some areas; thereby causing increased runoff and subsequent erosion during rainfall events. Best management practices would be implemented to minimize and avoid such impacts.

As previously stated, the pipeline installation would occur within a pre-disturbed pipeline corridor and all construction activities would be conducted within the established ROW.

Therefore, native soils are not expected to be affected. If needed, mitigation actions may include mechanical tilling, reconditioning, and reseeded.

4.16 Visual Resources

The Proposed Action involves pipeline installations across two areas classified as VRM I and III, which requires minimum changes to the characteristic landscape, and that management activities should not attract the attention of casual observers. Because the Proposed Action will involve the pipeline to be entirely buried throughout its proposed route, there would not be any direct effects on visual resources following its completion.

The area classified as VRM I is located within the pre-disturbed ROW corridor located in Doña Ana County where the proposed pipeline traverses Anthony Gap. Construction activities in this area would be temporary and follow the existing corridor. All areas would be restored to their existing condition with an expected “no effect” result to the visual resource.

Construction activities within undisturbed BLM lands would occur west of the Rio Grande River toward the Strauss terminal; which is an area classified as VRM III. Construction activities within this area would consist primarily of trenching with limited HDD occurring beneath roadways. Magellan would follow strict adherence to BMPs and BLM stipulations while working in this area and would repair the scarred land surface to pre-existing condition by reuse of existing topsoil and re-vegetating if necessary. Specific BMPs related to site restoration are included in Appendix D.

The extent of affects to visual resources during the construction phase will depend on the particular construction activity at any given time. Large equipment including ditching machines, drilling rigs, excavators, dump trucks, and water suppression vehicles could be visible at considerable distance from the worksite, but they would only create a temporary change in visual conditions. HDD operations within the TUAs would also create a temporary visual disturbance but only at ground level. No road building would be needed to support ROW access as the existing ROW currently parallels roadways used for pipeline maintenance and monitoring. No

other activity would alter the visual characteristics of the landscape and no long-term changes would be expected.

4.17 Realty

Design features and BMPs, as identified in the proposed action, would protect adjacent or intersecting ROW facilities. Therefore, effects to Realty are expected to be negligible. HDD occurring outside the RS-2477 claim for County road A-020, along with Doña Ana County's written acknowledgement of the pipeline ROW location within the RS-2477 claim, would negate any effect to the County's RS-2477 claim for County road A-020.

4.18 Cumulative Impacts

The Proposed Action crosses a sparsely-developed landscape in El Paso and Doña Ana counties. Land ownership is mixed between public (BLM), Department of Defense (Ft. Bliss), TPWD, and private lands. Private lands are mainly those required for agricultural development and ranching. The BLM's public lands are available for scenic and recreational use and for various types of leasing including utility ROWs, cattle grazing allotments, and natural resource developments. Federal lands owned by Ft. Bliss are restricted to Department of Defense operations and training grounds.

The majority of the proposed 36.7-mile pipeline parallels approximately 23.2 miles of an existing pipeline corridor where several separately-owned and operated pipelines are used for transferring fuel and natural gas. This existing corridor lies within Ft. Bliss and private lands within northern El Paso County and across the BLM lands located in southeastern Doña Ana County. The remaining 13.5 miles of the pipeline would be installed across previously undisturbed areas consisting of agricultural land and remote BLM property located west of the Rio Grande River to the Strauss terminal near Santa Teresa, New Mexico.

One of the direct benefits of the proposed pipeline would be to reduce truck traffic in and out of the Strauss terminal. Magellan's pipeline would transport a minimum of 5,000 barrels of fuel per day with an expected increase of 7,000 barrels per day in the following two years. Magellan estimates that future volumes would reach 15,000 barrels per day. Given that tank trucks

average 180 barrels per load, the proposed pipeline would effectively reduce truck traffic by 28-84 trucks per day. This translates to conservation of short and long-term cumulative impacts by minimizing air emissions, threats of hazardous material spills, and roadway traffic.

The major disturbance posed by the proposed action would involve installation of the pipeline via trenching and subsurface HDD beneath roads and waterways. During installation activities, most of the environmental impacts would be located within the proposed 75-foot temporary ROW with additional areas designated as TUAs utilized for HDD and equipment operations. No new roads would be added for the Proposed Action. Evaluation of the Proposed Action has not identified any significant cumulative impact. Short-term, cumulative impacts associated with this project are most likely to occur on agricultural and rangeland soils, waterways, and air quality. No long-term and permanent cumulative impacts associated with the Proposed Action have been identified. The Proposed Action would be designed to avoid or minimize impacts on sensitive environmental resources.

The Proposed Action would not result in the loss of any prime farmland or rangeland. Construction activities would result in the temporary disturbance of approximately 30 acres or roughly 0.018% of the prime farmland in El Paso County, Texas, and approximately 18 acres or 0.003% in Doña Ana County, New Mexico. This represents a small fraction of the prime farmland soils available and would not significantly reduce the overall agricultural production in the Project Area. Similarly, construction activities are expected to temporarily disrupt an estimated 158 acres of land located in the southern and far southeastern portions of Doña Ana County. The potentially affected area represents 0.013% of the land classified as rangeland in the county. The BLM Stipulations, and BMPs will be strictly enforced, and no near or long-term impacts to farmland and rangeland soils are expected (see Appendix D).

All waterways that would potentially result in a disturbance greater than 1/10th of an acre would be crossed via HDD so that impacts to those waters would be avoided altogether. A total of 225 potential jurisdictional waterways have been identified as either ephemeral, intermittent, or lined and unlined irrigation channels that would be crossed either by trenching or HDD depending on their size. The Rio Grande River would be the only perennial waterway identified and its

crossing would be accomplished by HDD. The BLM Stipulations, and BMPs will be strictly enforced, and no near or long-term impacts to waterway crossings are expected.

Air quality would be affected in the short-term during construction where emissions would be generated during trenching, drilling, and movement of equipment. Impacts to air quality would immediately cease upon pipeline installation. No other infrastructure facilities would be constructed to support the pipeline either during or after installation is complete. The small increase in emissions that could result from the Proposed Action would not result in El Paso or Doña Ana Counties exceeding the NAAQs for any criteria pollutant. A small increase in GHG emissions may result from the Proposed Action but would not produce climate change impacts that differ from the No Action Alternative. This is because climate change is a global process that is impacted by the sum total of GHGs in the Earth's atmosphere. The incremental contribution to global GHGs from the Proposed Action cannot be translated into effects on climate change globally or in the area of this site-specific action. It is currently not feasible to predict with certainty the net impacts from the proposed action on global or regional climate.

5 INDIVIDUALS, ORGANIZATIONS, TRIBES OR AGENCIES CONSULTED

The public had the opportunity to contact the Las Cruces District Office (LCDO) and provide input on this project. The project was listed on the New Mexico BLM Website NEPA Log: http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html.

Pursuant to the BLM's responsibilities according to 40CFR 1503 and 43CFR 46.435, a comprehensive list has been developed to solicit comment on the Proposed Action. This list includes federal, state and local agencies which have jurisdiction by law or are authorized to develop and enforce environmental standards within their jurisdiction, expertise, or authority

6 LIST OF PREPARERS

ID Team Member	Title	Organization
Alan Andersen, P.E.	Principal Engineer	Magellan Midstream Partners, LP
Grant Clemons	Project Manager	Magellan Midstream Partners, LP
Derek Blackshare, P.E.	CEO and President	Blackshare Environmental Solutions
Robert Melton, P.G.	Project Manager	Blackshare Environmental Solutions
Carol Howard	Biologist	Blackshare Environmental Solutions
Ashley Zickefoose	Biologist	Blackshare Environmental Solutions
Andrew Zink, M.A.	Project Manager	Lone Mountain Archaeological Services, Inc.
John Burris, Ph.D.	Paleontologist	San Juan University

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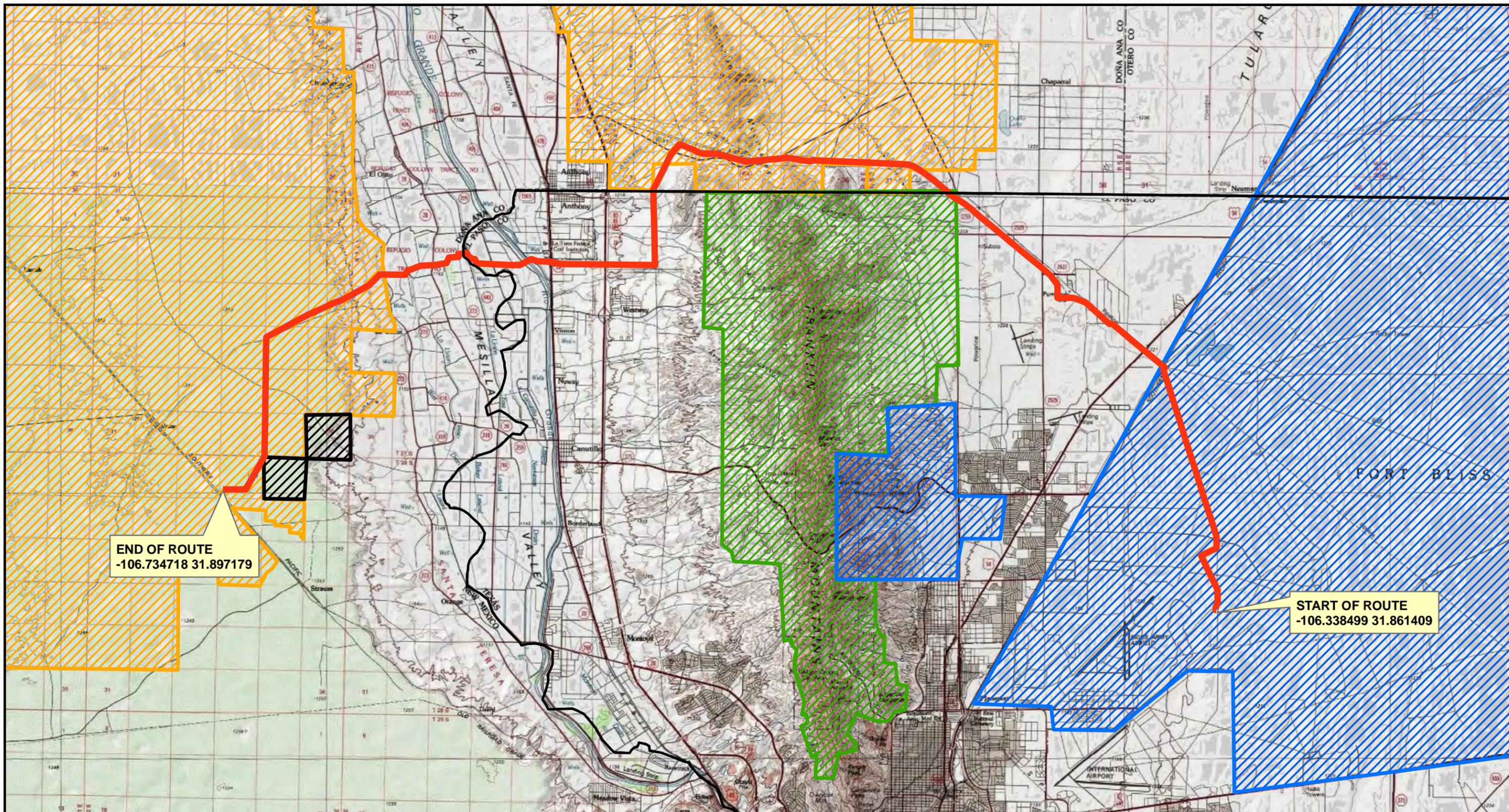
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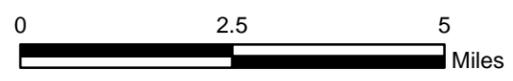
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DONA ANA COUNTY
NEW MEXICO

EL PASO COUNTY
TEXAS



-  = FORT BLISS US ARMY
-  = STATE PROPERTIES
-  = BLM PROPERTIES
-  = FRANKLIN MNTS STATE PARK

U.S. G.S. 7.5 MINUTE TOPOGRAPHIC MAP

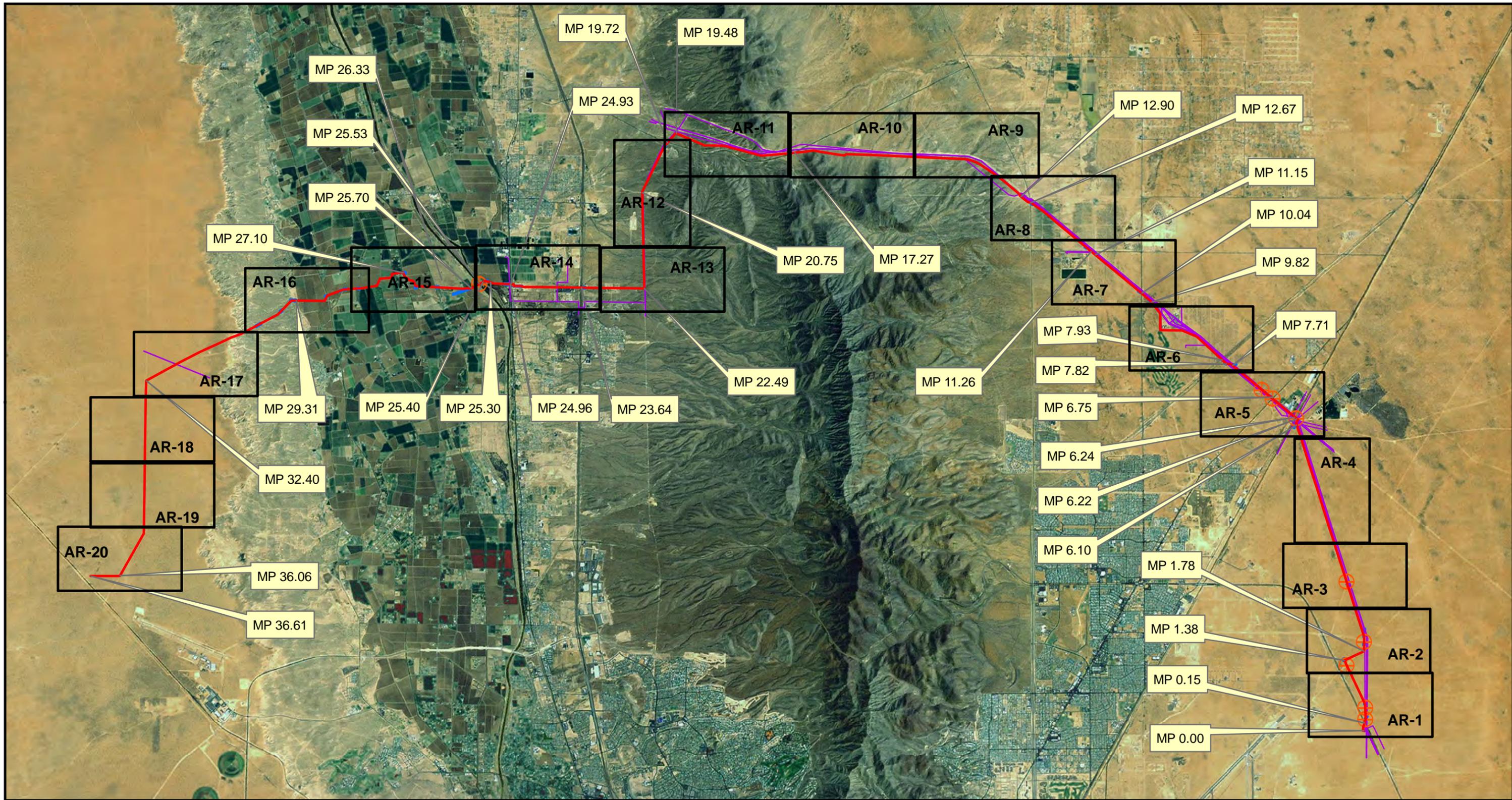
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

-  = PROPOSED PIPELINE
-  = STATE BOUNDARY LINE



FIGURE 1 TOPO ROUTE MAP (OVERVIEW)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

PROJECT: 2326-11 DATE: 07-31-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



- = SURROUNDING PIPELINE
- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2 AERIAL ROUTE MAP (OVERVIEW)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

PROJECT: 2326-11 DATE: 08-2-12 BY: XW



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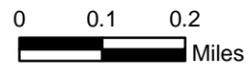
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DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



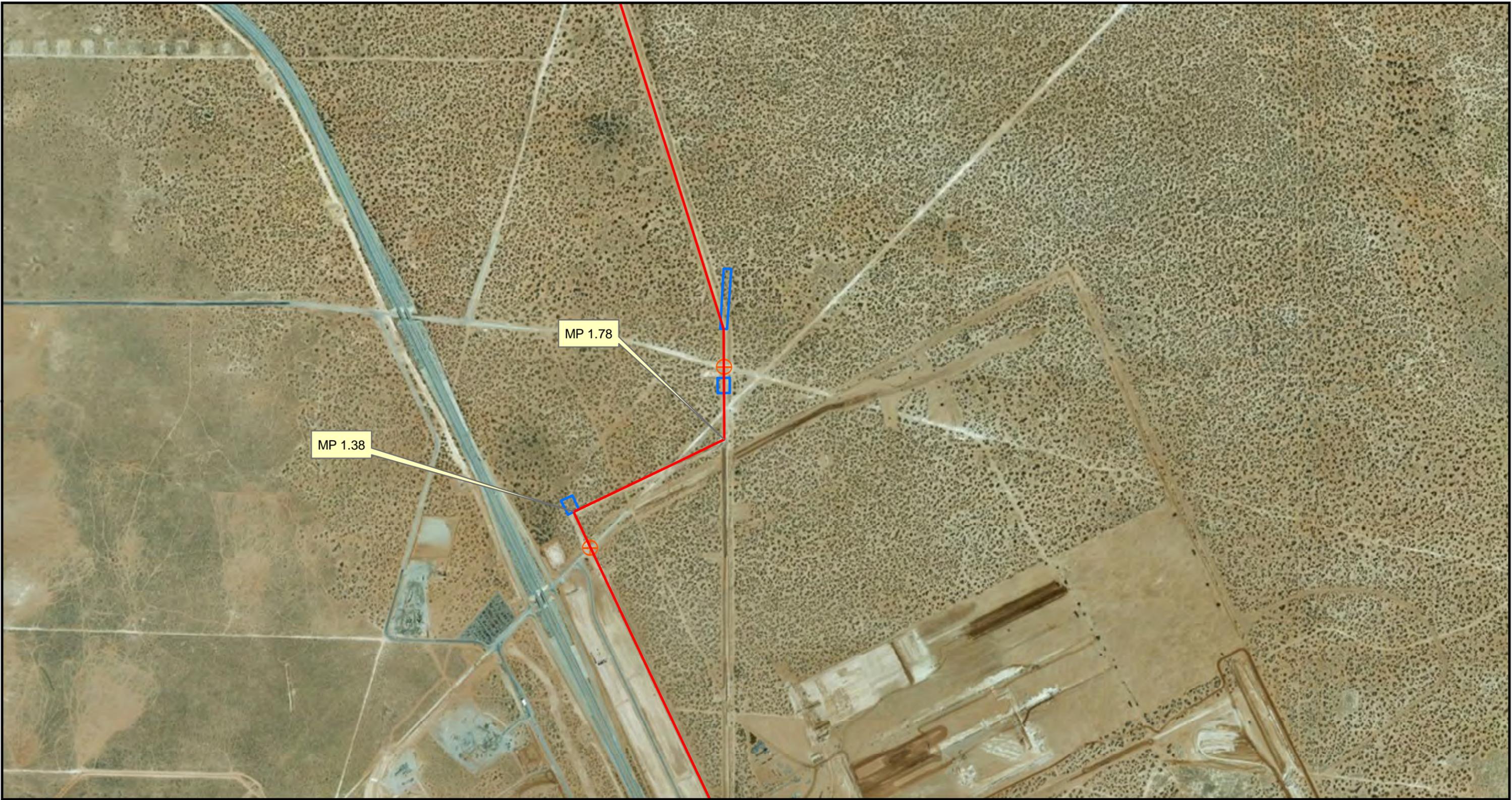
- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-1 AERIAL ROUTE MAP (AR-1 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

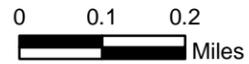
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-2 AERIAL ROUTE MAP (AR-2 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

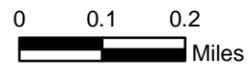
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-3 AERIAL ROUTE MAP (AR-3 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

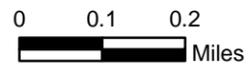
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



-  = PROPOSED PIPELINE
- MP = MILE POST MARKERS
-  = TEMPORARY USE AREA
-  = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-4 AERIAL ROUTE MAP (AR-4 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-5 AERIAL ROUTE MAP (AR-5 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-6 AERIAL ROUTE MAP (AR-6 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

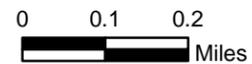
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



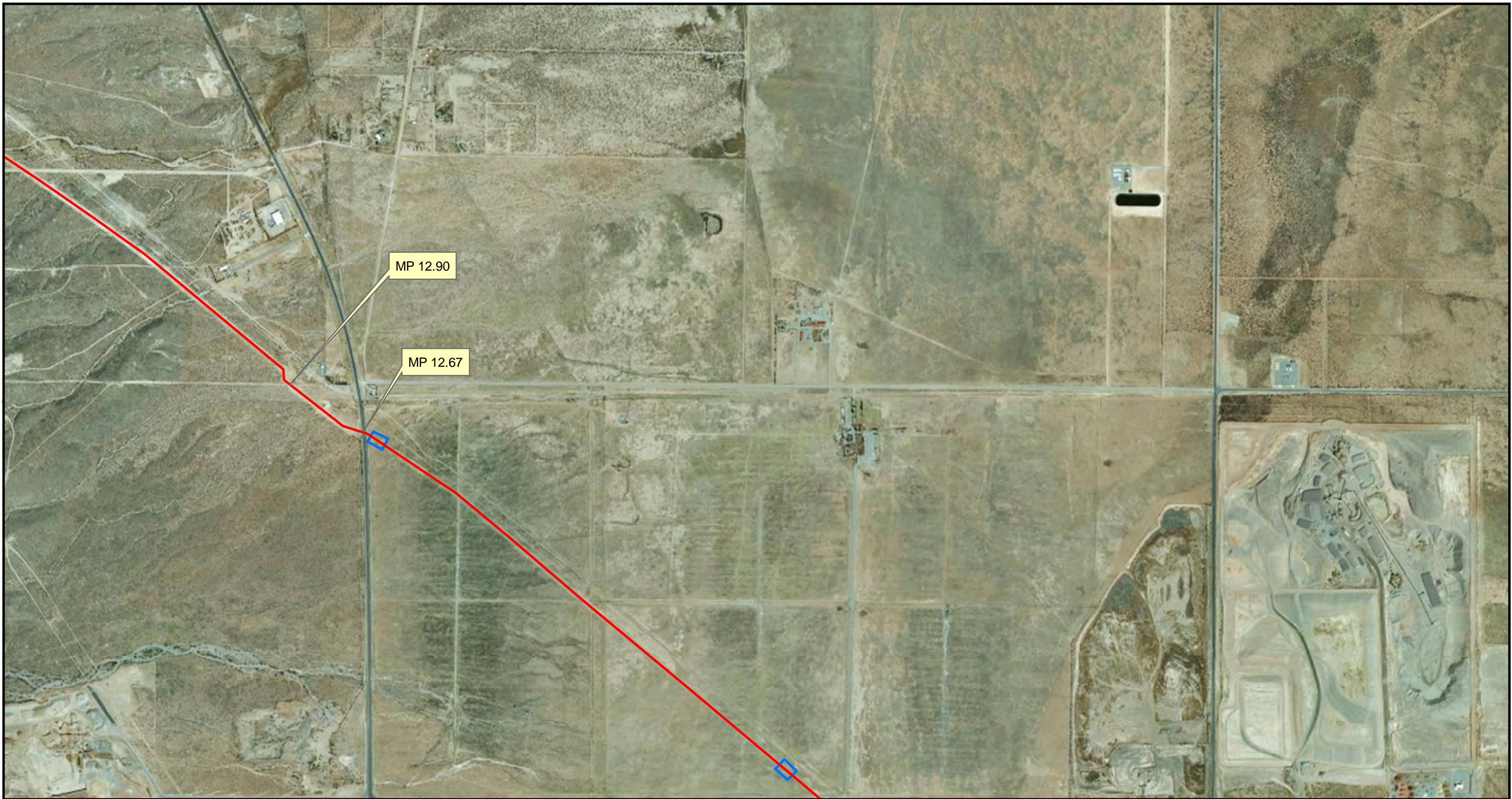
- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-7 AERIAL ROUTE MAP (AR-7 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

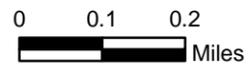
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DONA ANA COUNTY
NEW MEXICO



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- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-8 AERIAL ROUTE MAP (AR-8 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

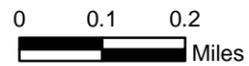
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



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- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-9 AERIAL ROUTE MAP (AR-9 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

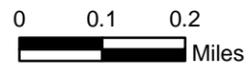
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



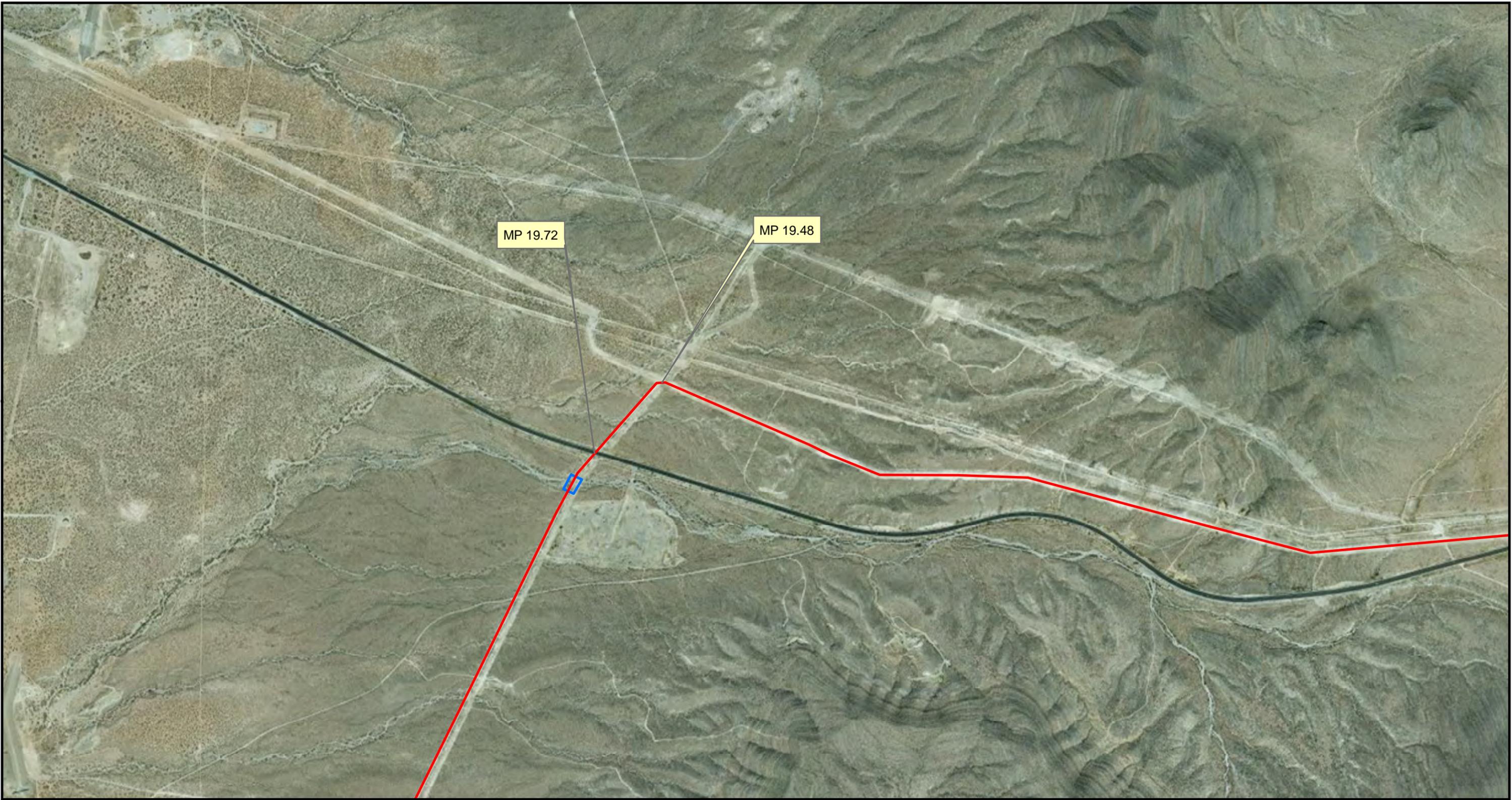
- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

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EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-10 AERIAL ROUTE MAP (AR-10 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

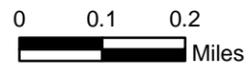
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- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-11 AERIAL ROUTE MAP (AR-11 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

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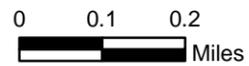
MP 20.75



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- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- = HDD LOCATION

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EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-12 AERIAL ROUTE MAP (AR-12 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

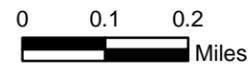
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DONA ANA COUNTY
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- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-13 AERIAL ROUTE MAP (AR-13 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-14 AERIAL ROUTE MAP (AR-14 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

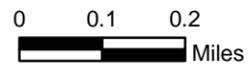
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-15 AERIAL ROUTE MAP (AR-15 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

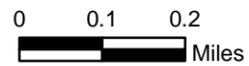
PROJECT: 2326-11 DATE: 08-2-12 BY: XW



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



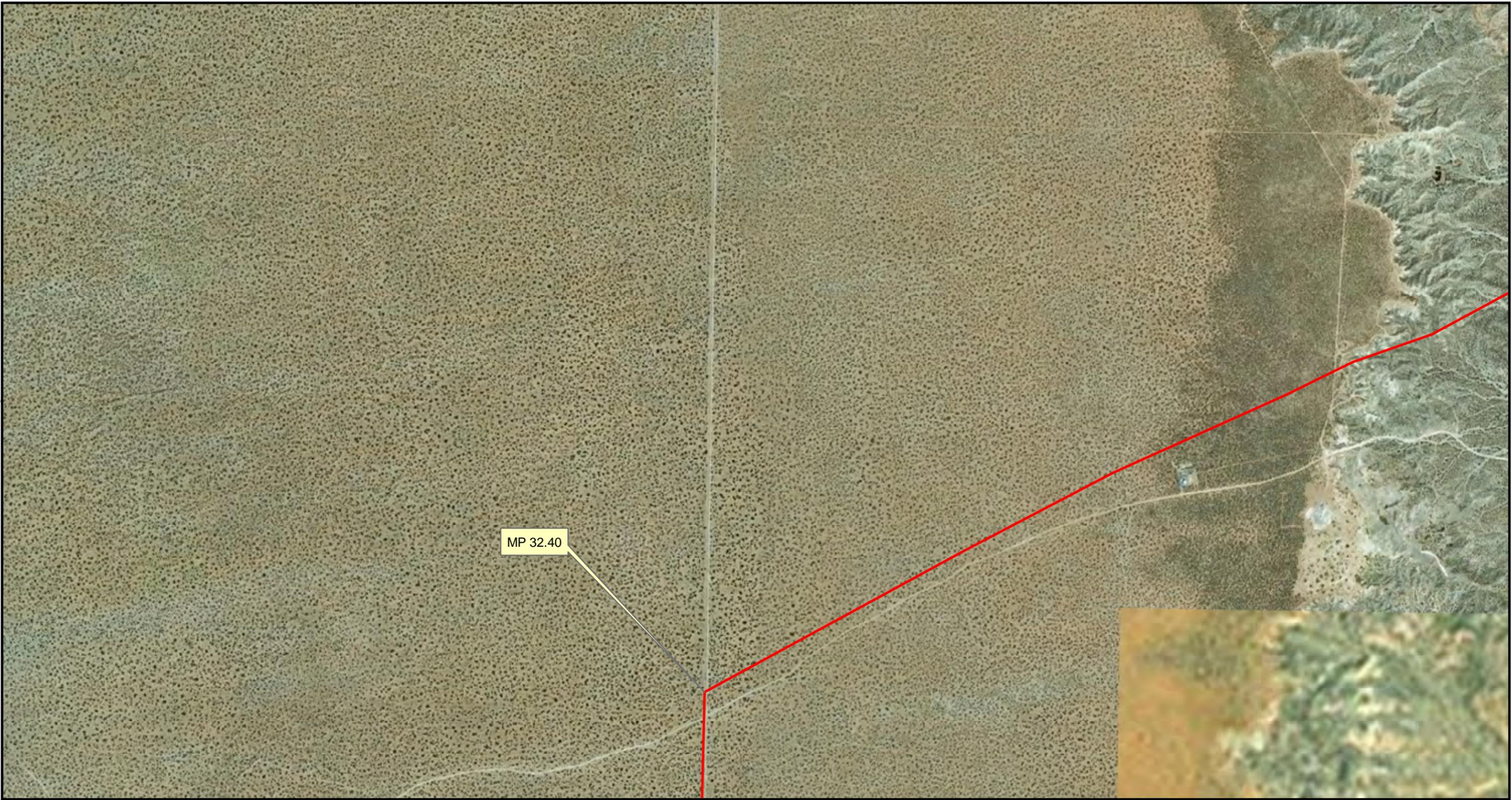
- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-16 AERIAL ROUTE MAP (AR-16 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

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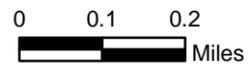
MP 32.40



DONA ANA COUNTY
NEW MEXICO



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TEXAS



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-  = TEMPORARY USE AREA
-  = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-17 AERIAL ROUTE MAP (AR-17 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

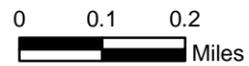
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DONA ANA COUNTY
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EL PASO COUNTY
TEXAS



-  = PROPOSED PIPELINE
- MP = MILE POST MARKERS
-  = TEMPORARY USE AREA
-  = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-18 AERIAL ROUTE MAP (AR-18 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

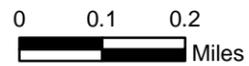
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TEXAS



-  = PROPOSED PIPELINE
- MP = MILE POST MARKERS
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-  = HDD LOCATION

2005 NAIP AERIAL IMAGERY
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-19 AERIAL ROUTE MAP (AR-19 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

PROJECT: 2326-11 DATE: 08-2-12 BY: XW



MP 36.61

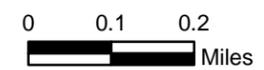
MP 36.06



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS



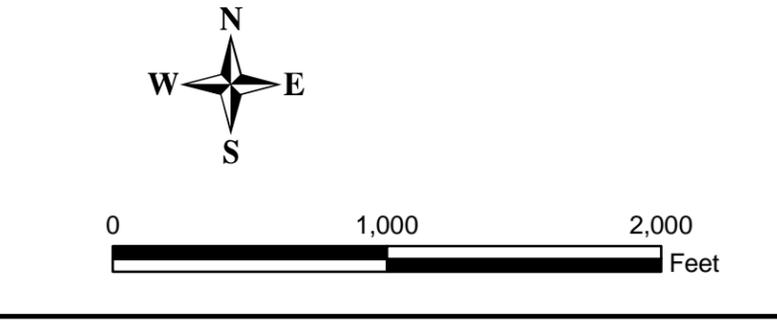
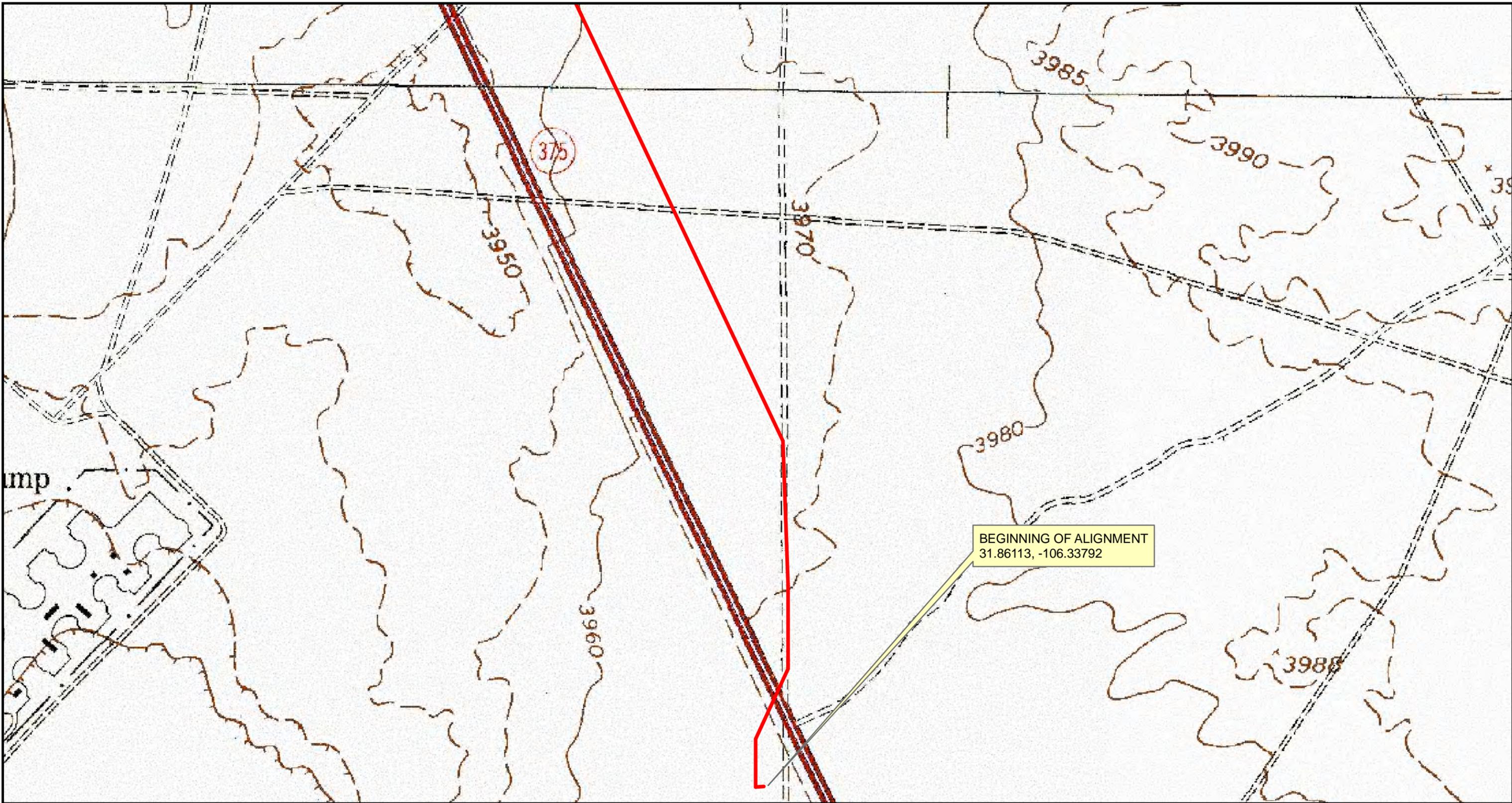
- = PROPOSED PIPELINE
- MP = MILE POST MARKERS
- = TEMPORARY USE AREA
- ⊕ = HDD LOCATION

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EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO



FIGURE 2-20 AERIAL ROUTE MAP (AR-20 of 20)
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

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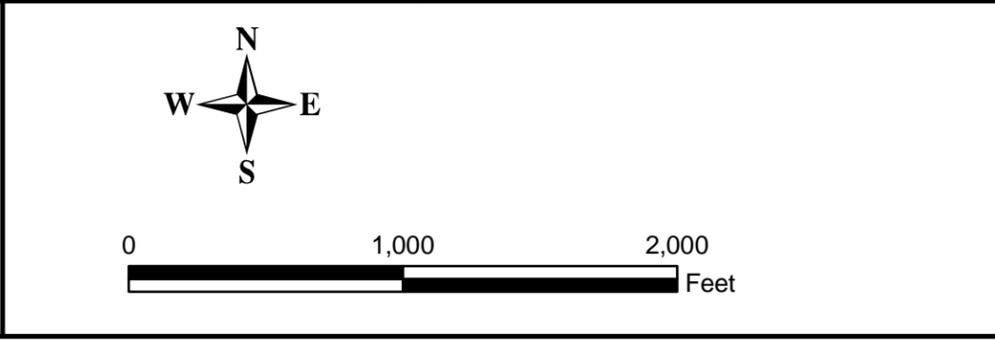
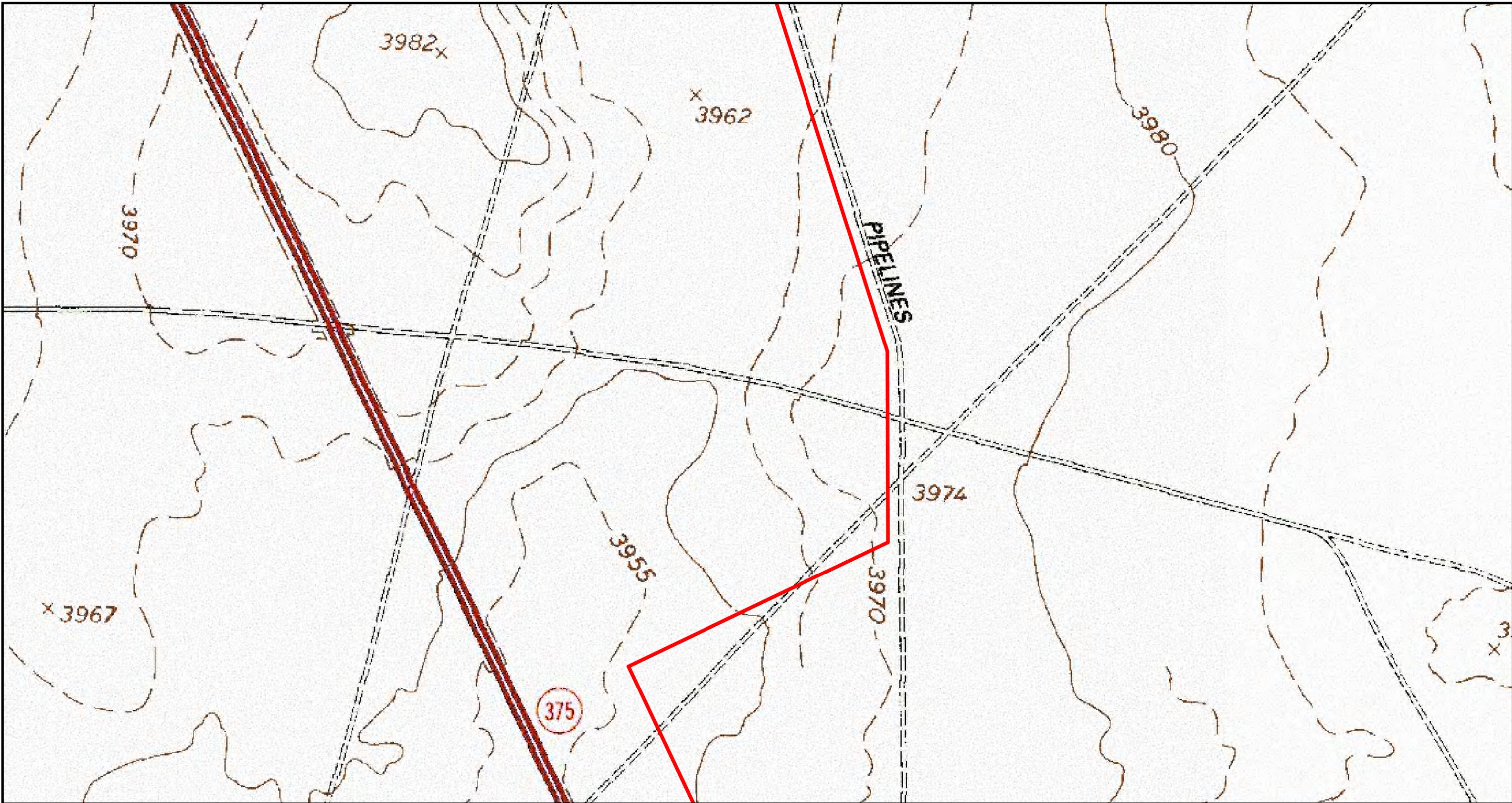
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-1 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



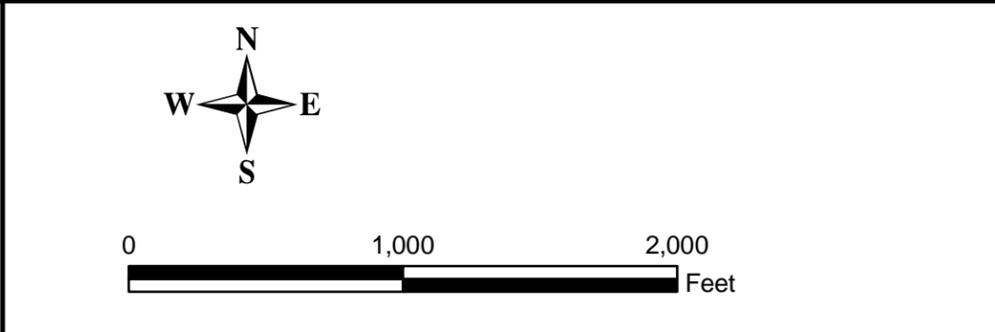
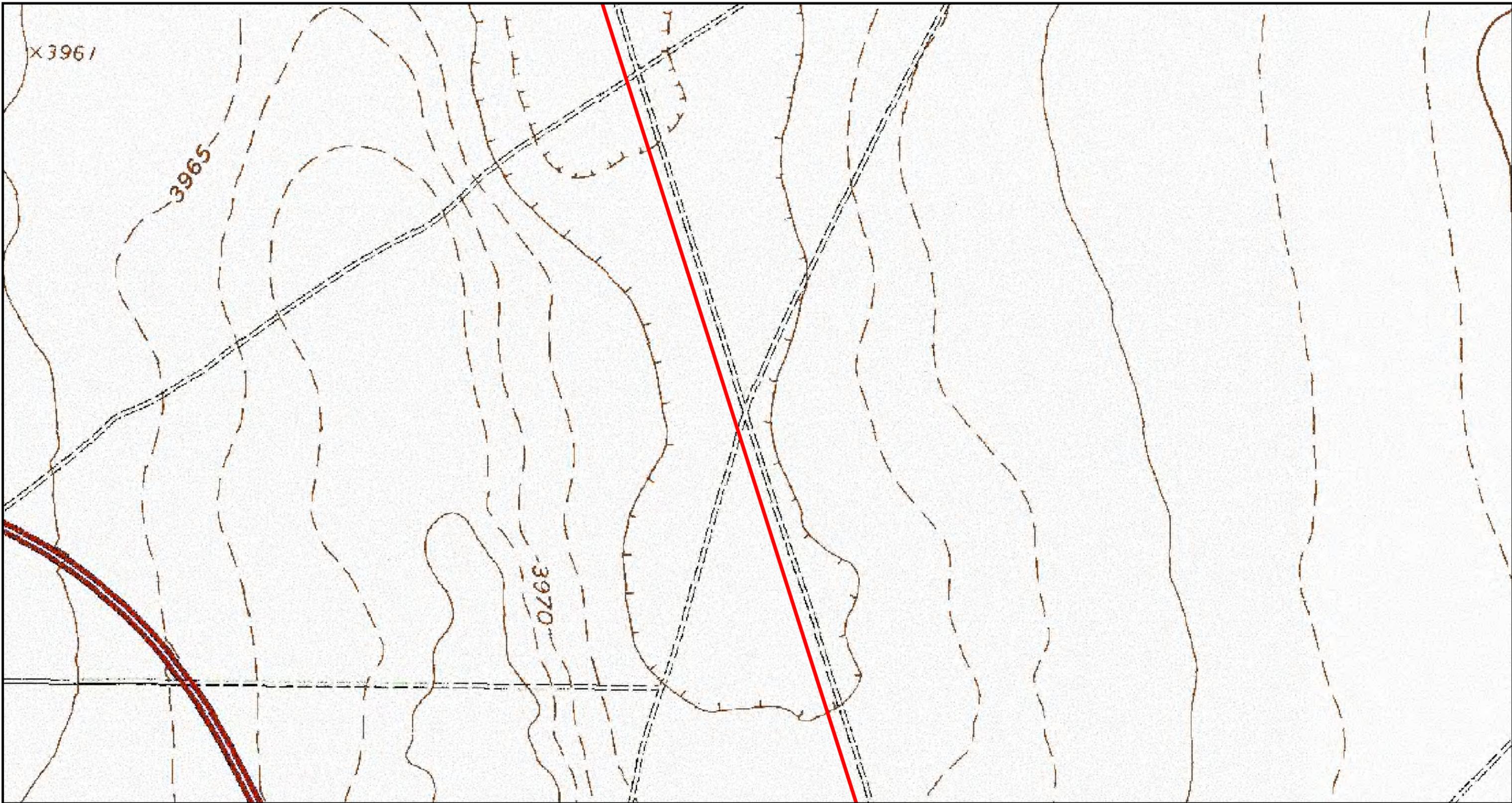
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-2 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

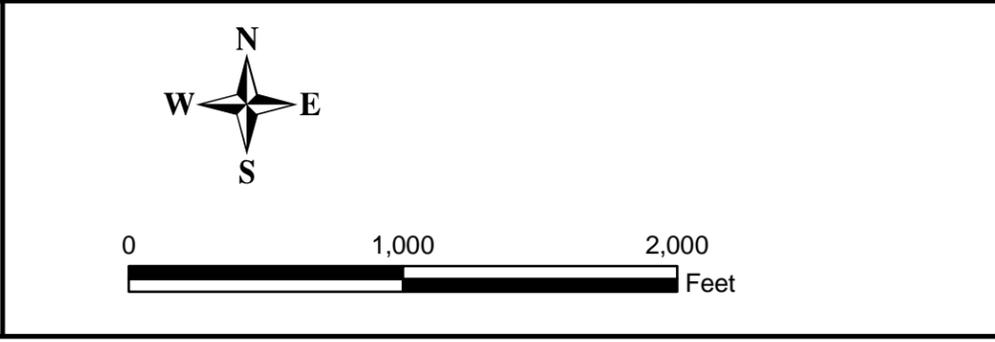
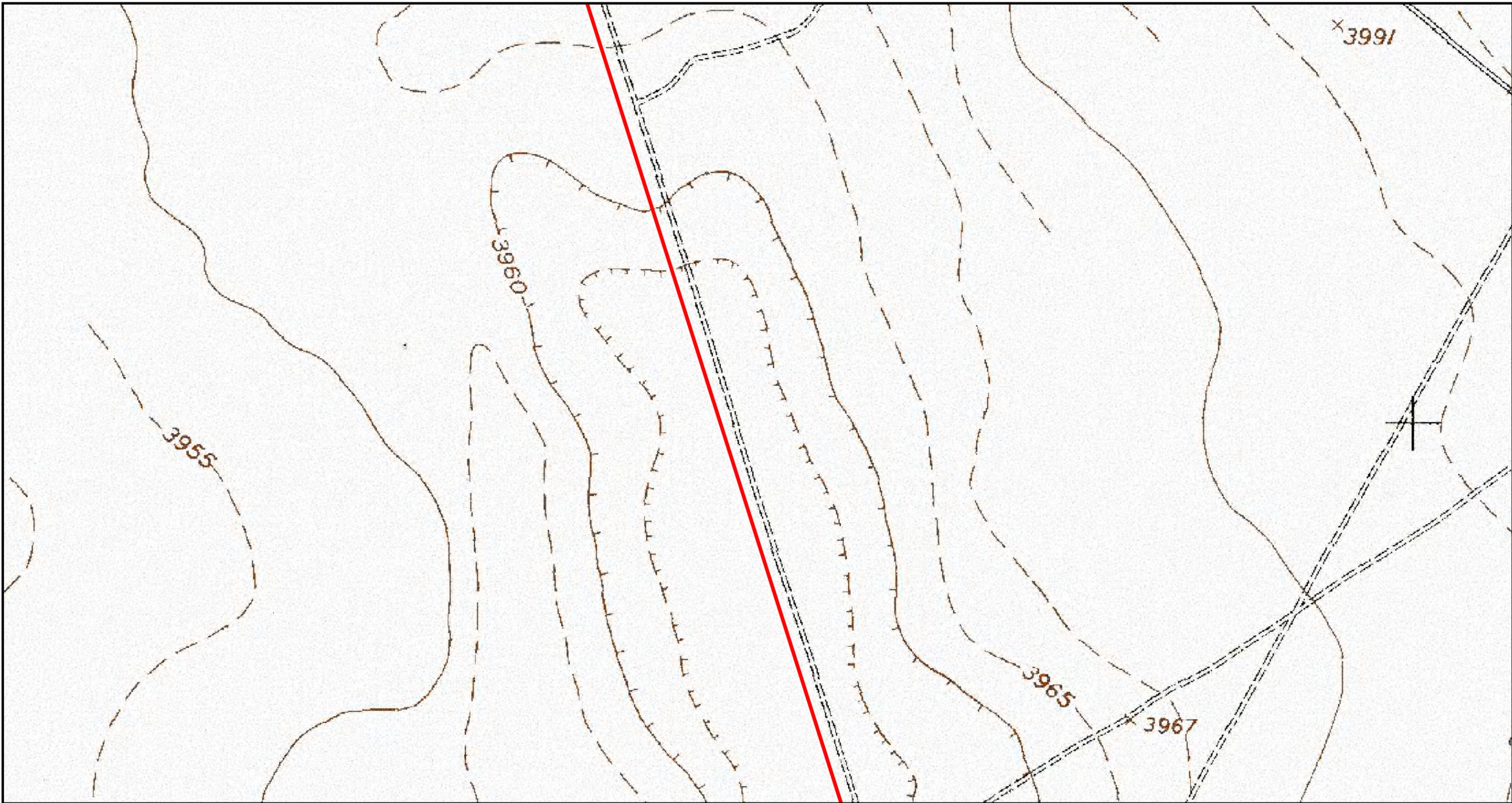
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FIGURE 3-3 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

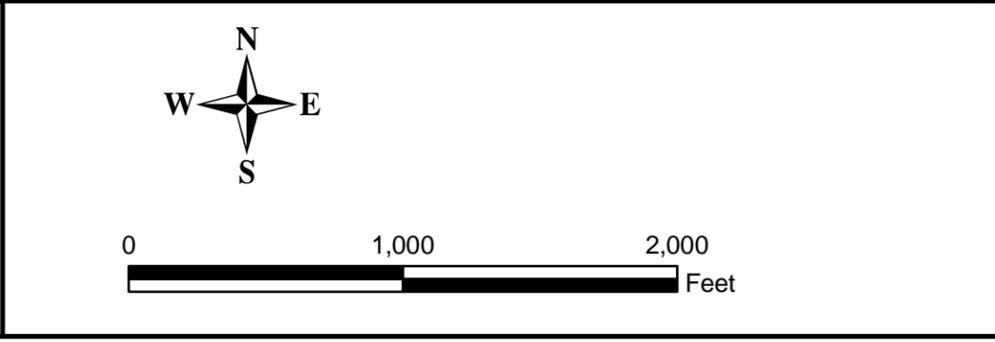
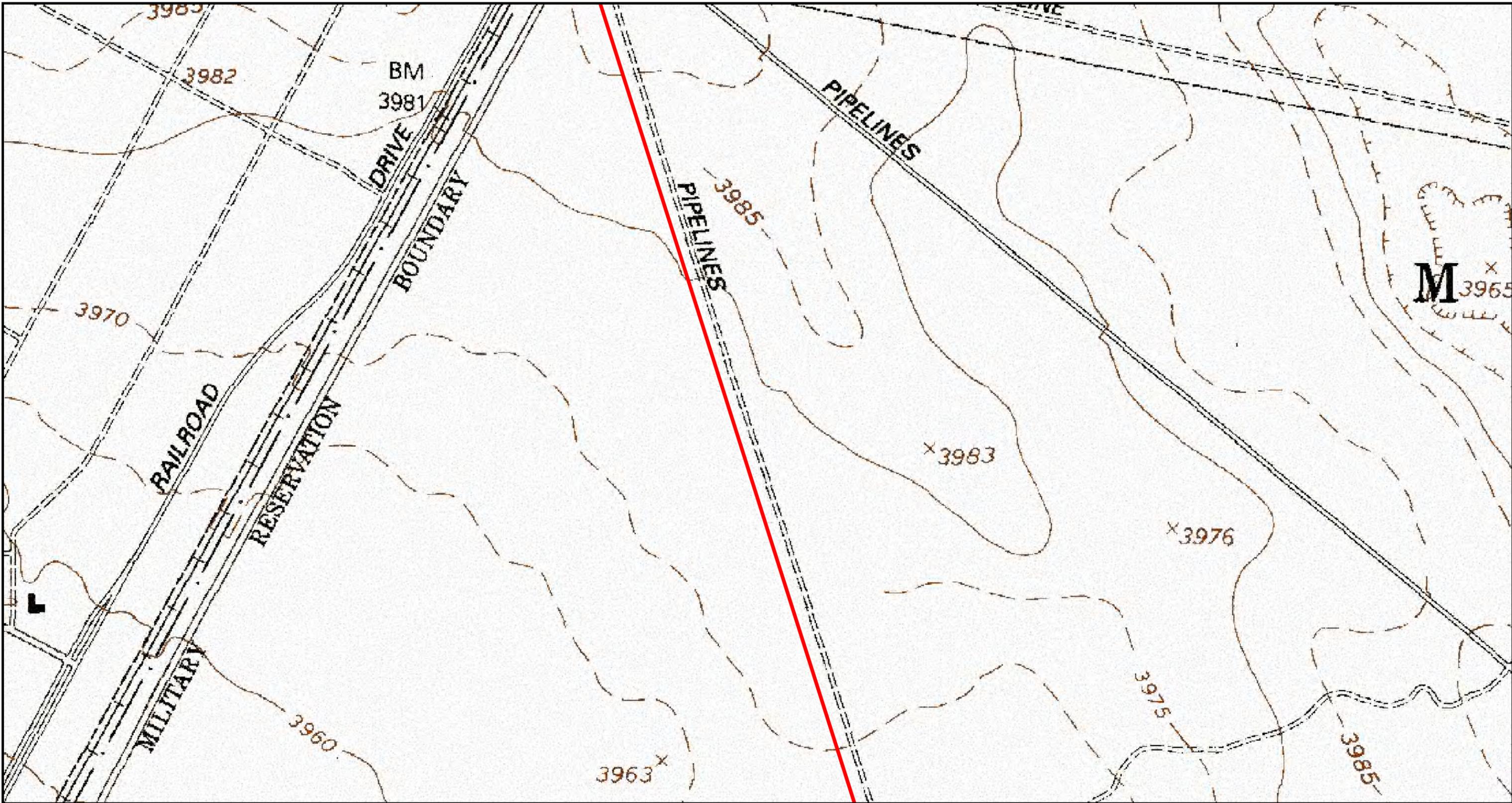
 = PROPOSED ALIGNMENT



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FIGURE 3-4 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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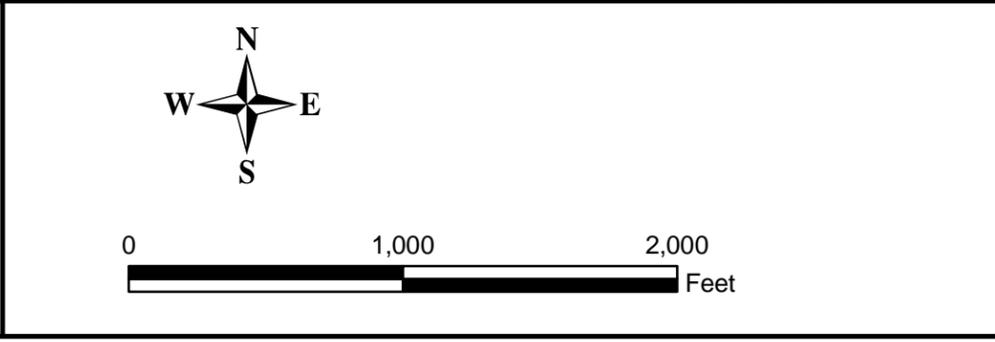
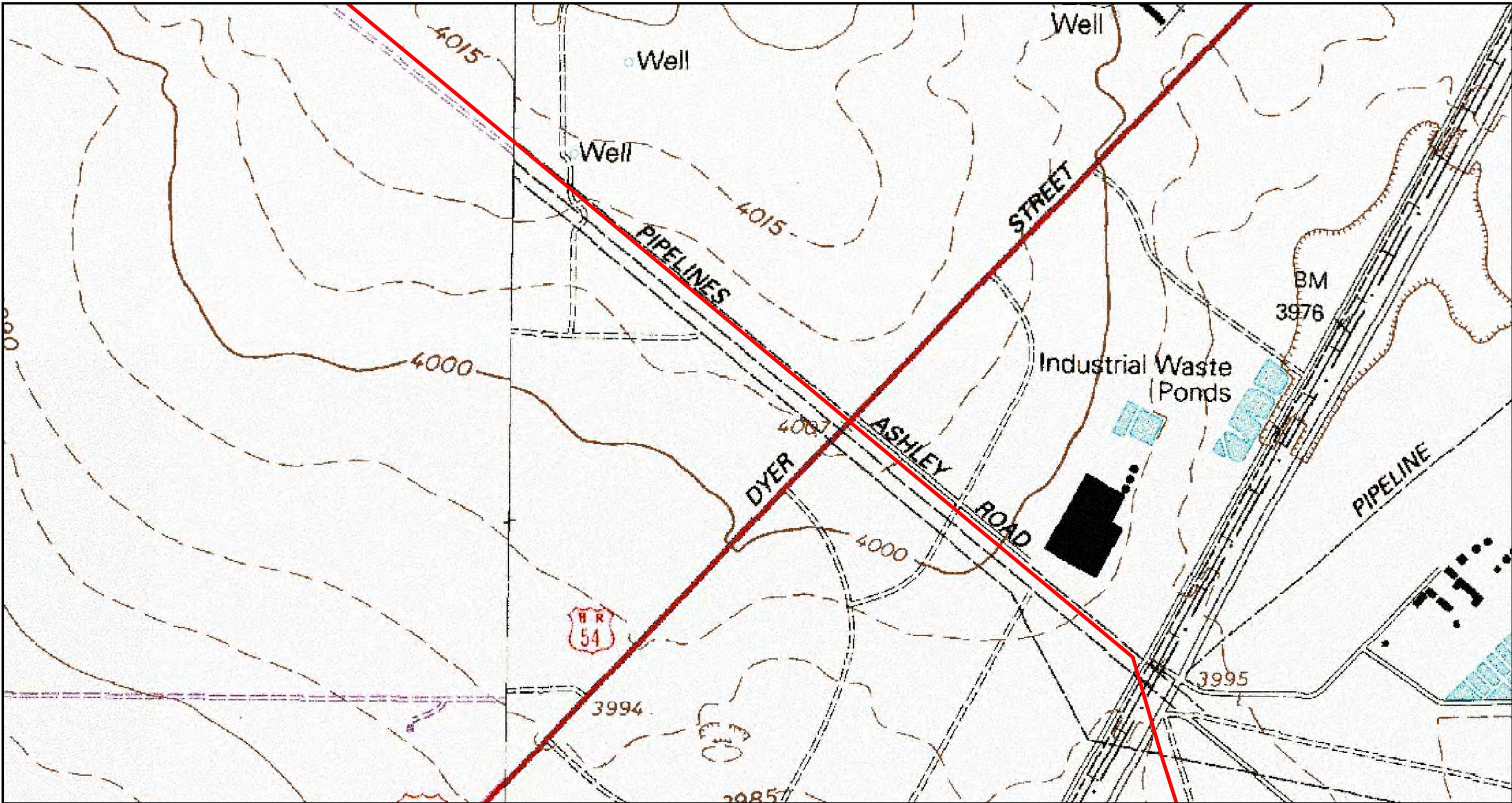
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 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-5 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



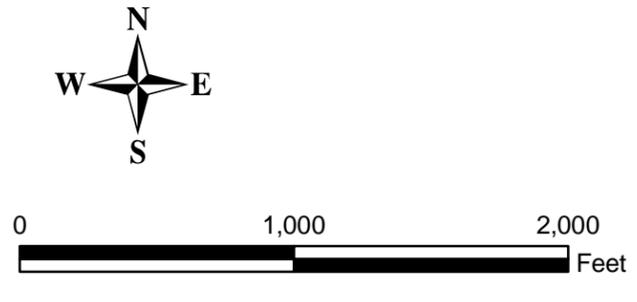
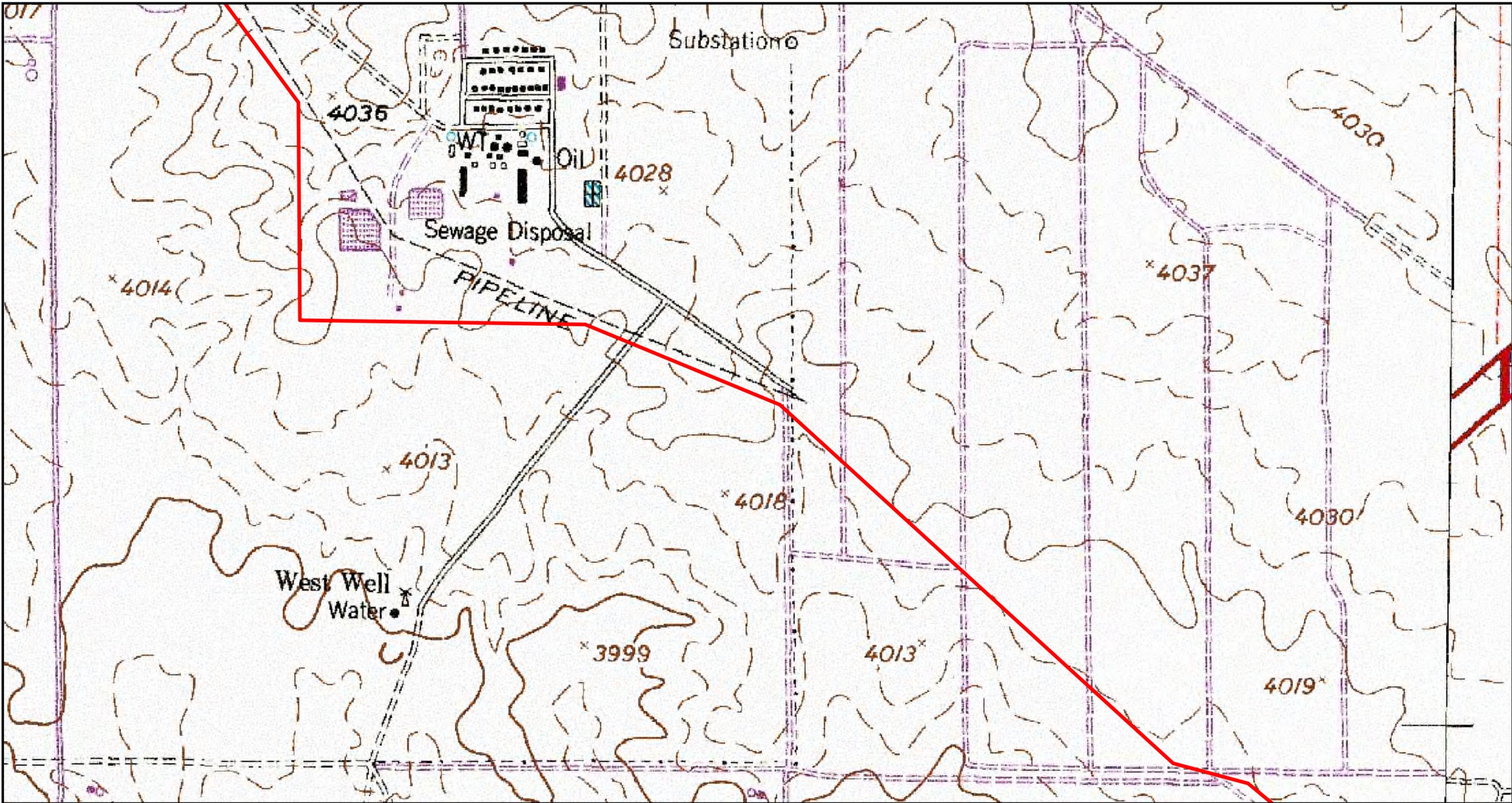
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-6 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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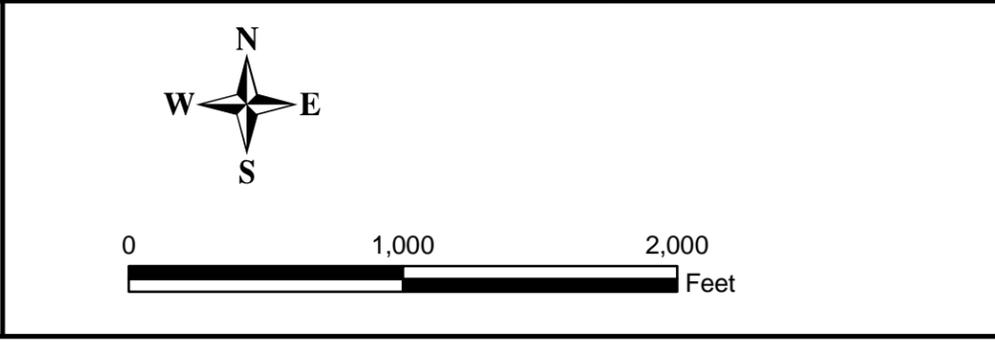
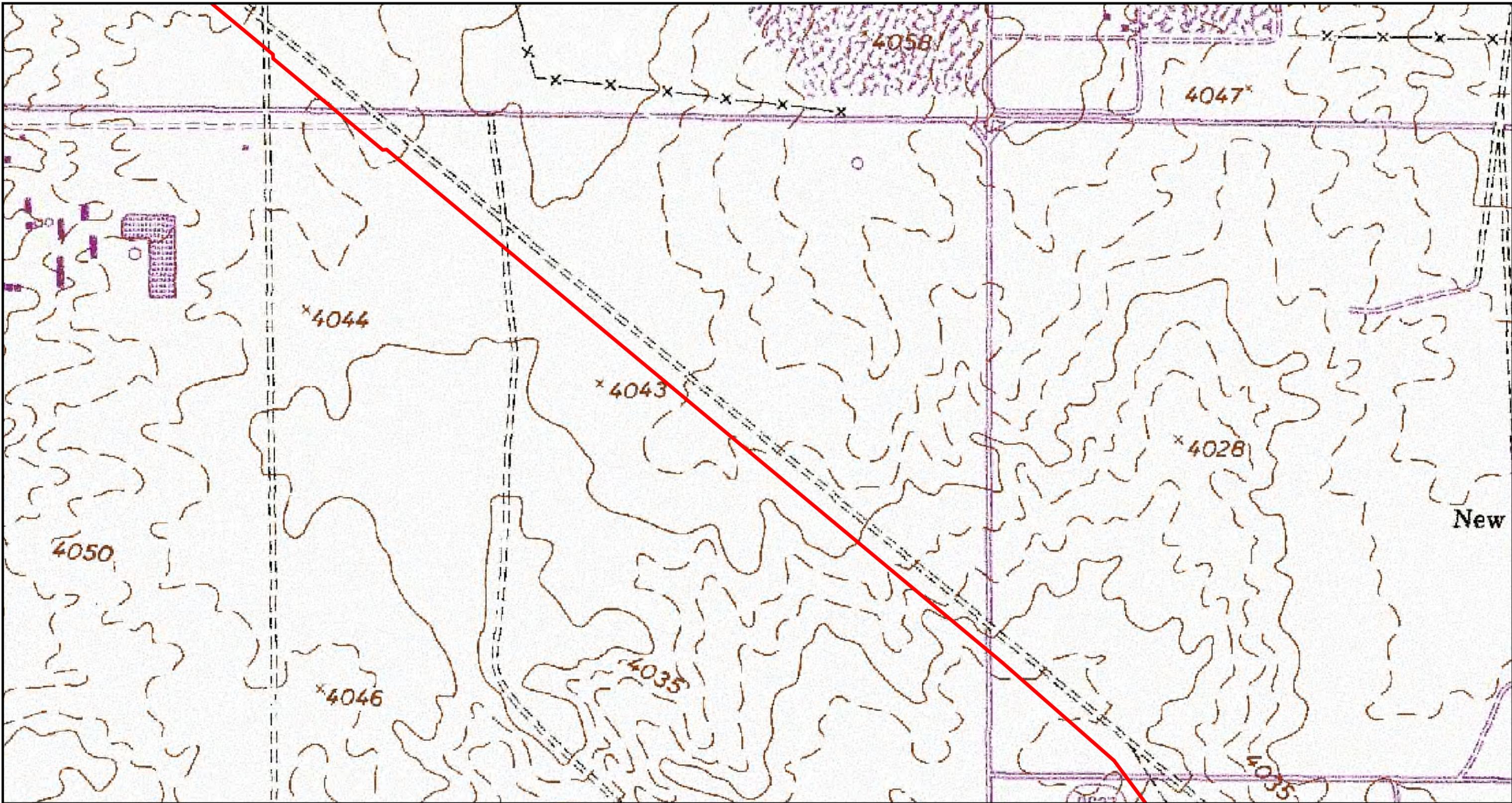
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-7 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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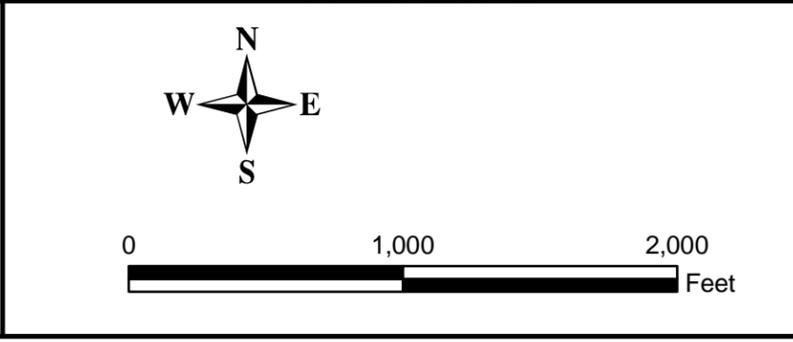
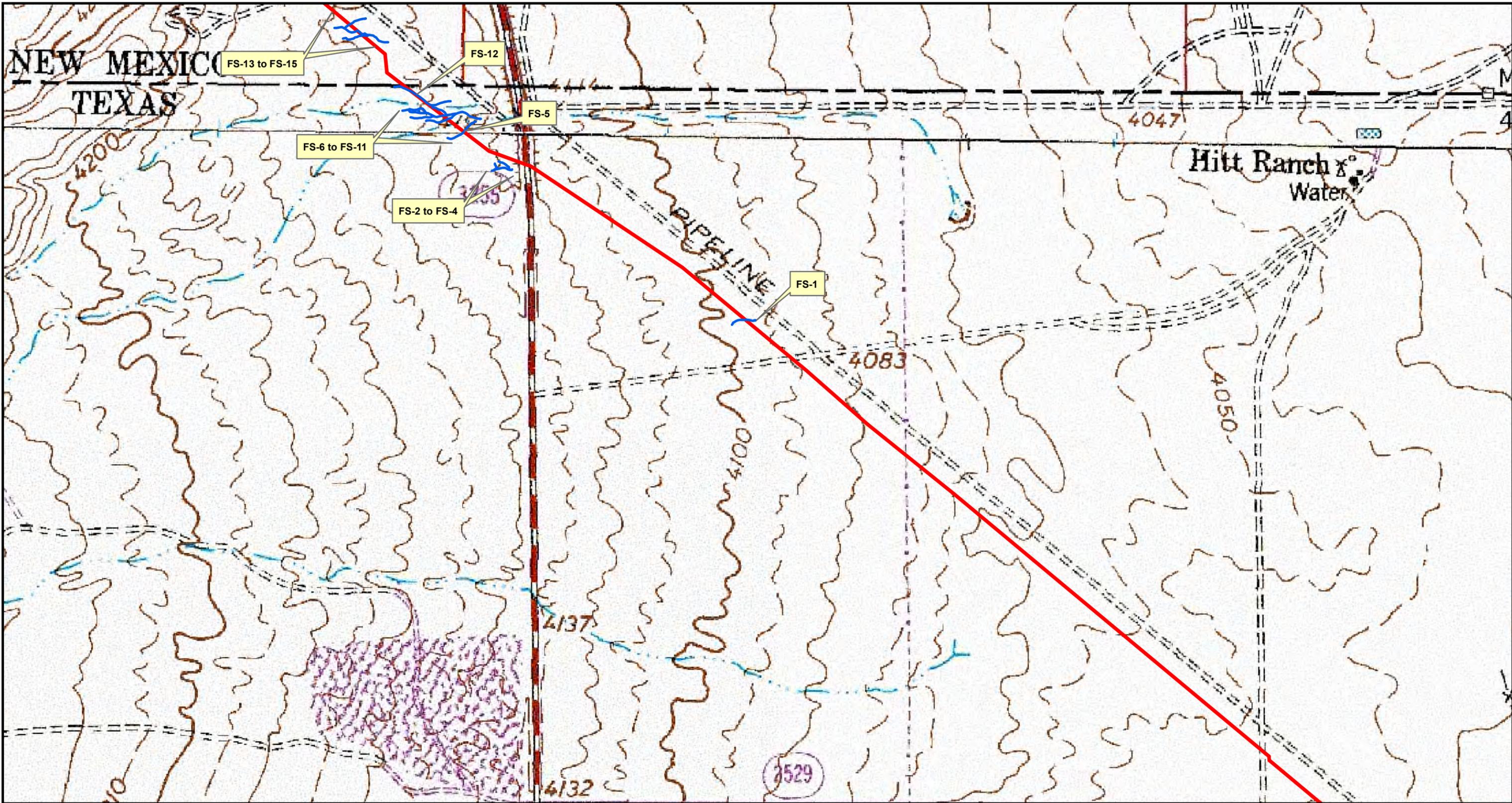
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-8 TOPOGRAPHIC ROUTE MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



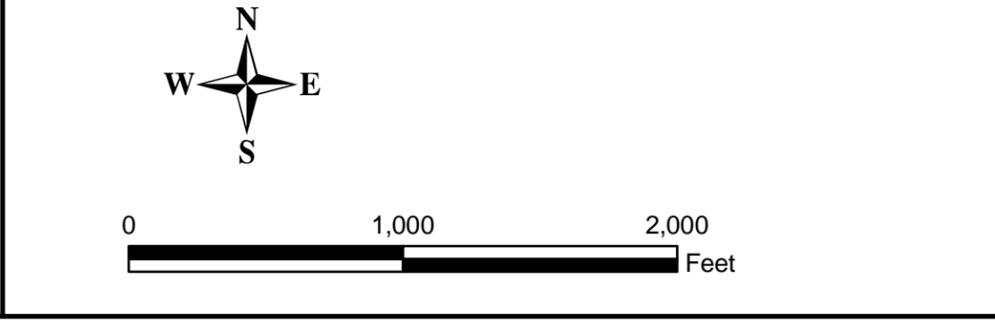
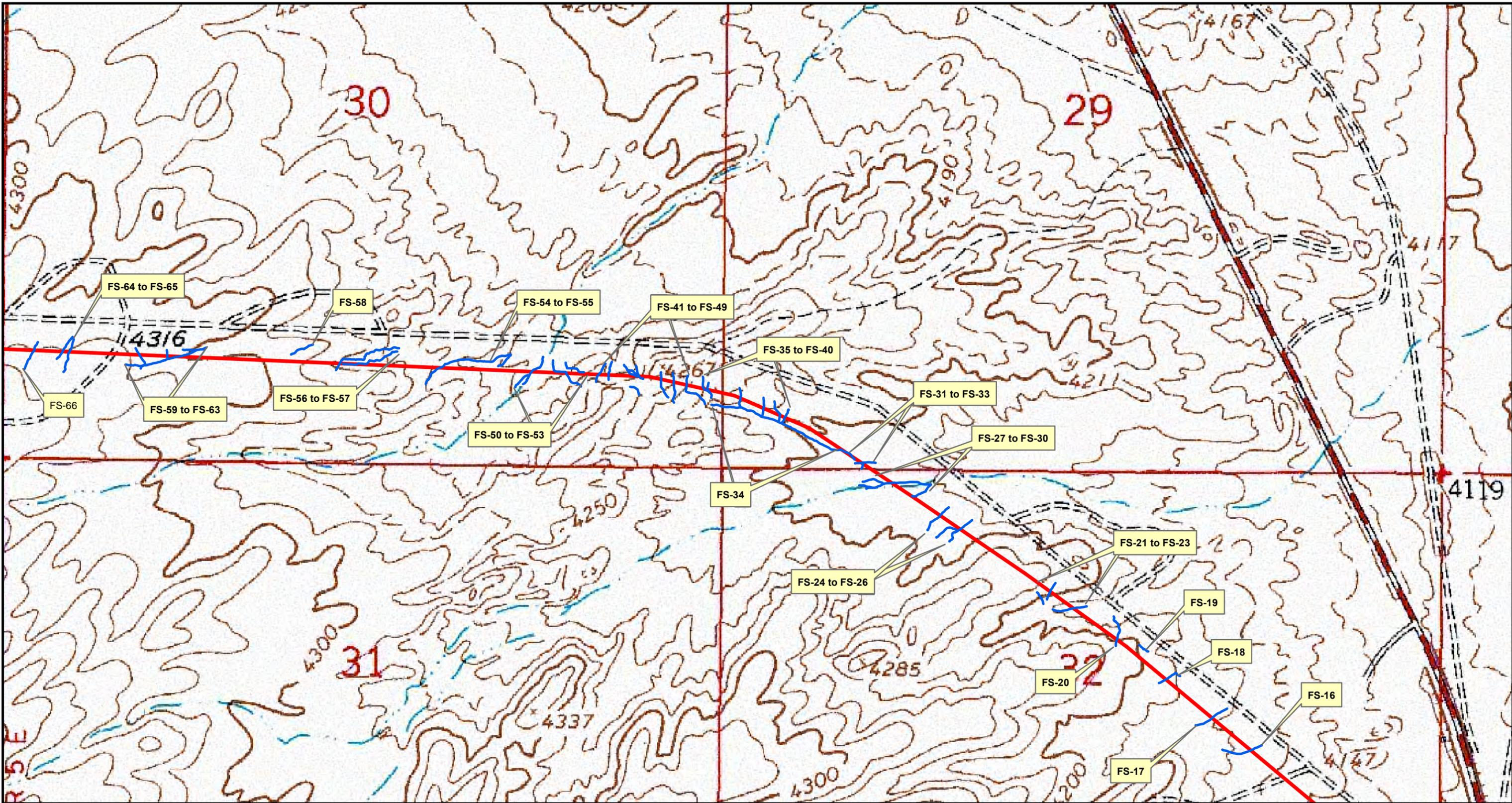
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-9 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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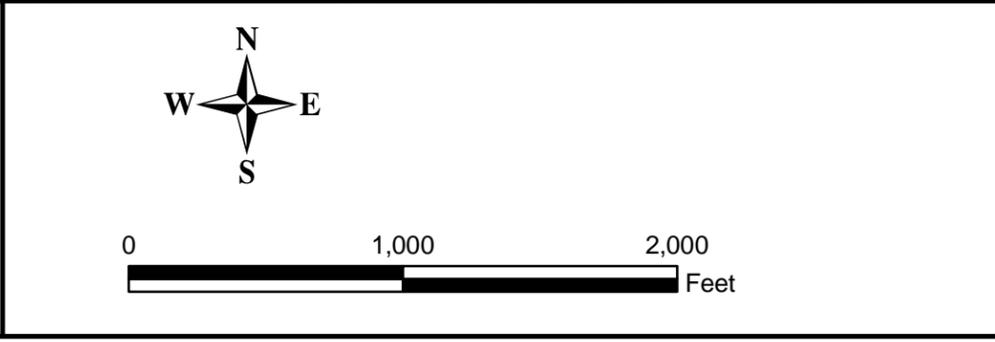
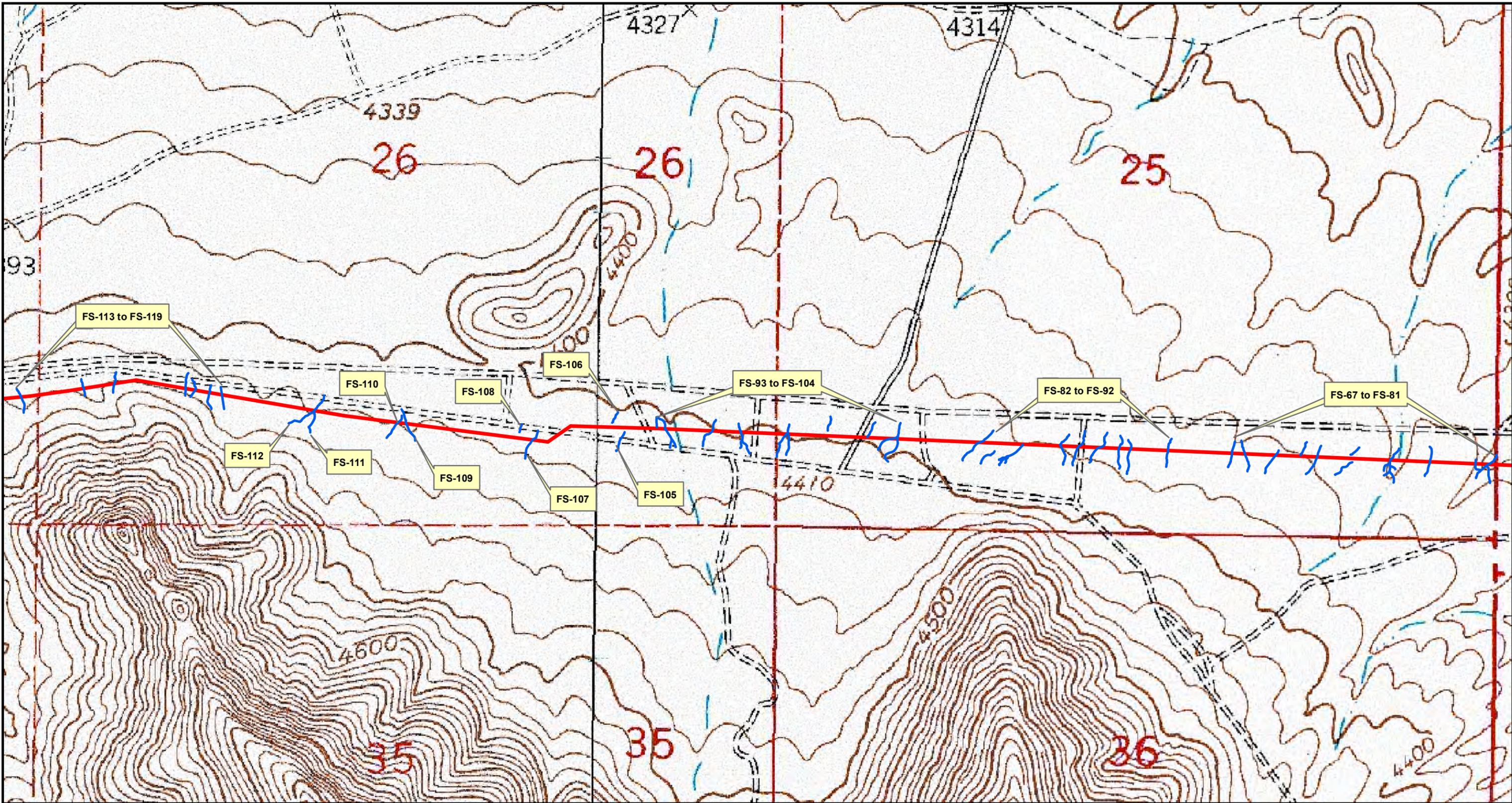
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-10 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



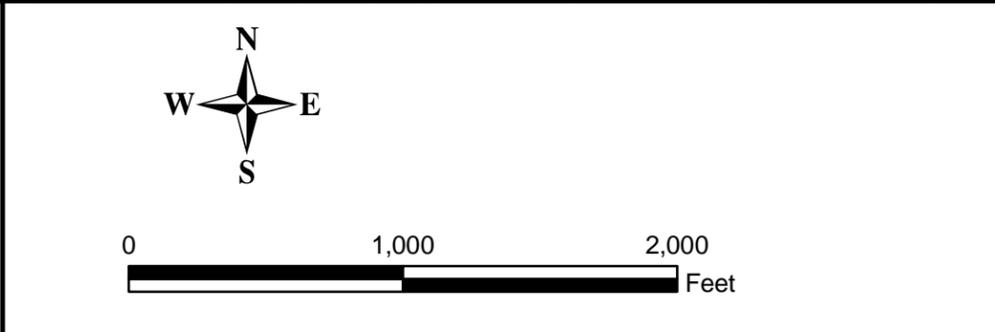
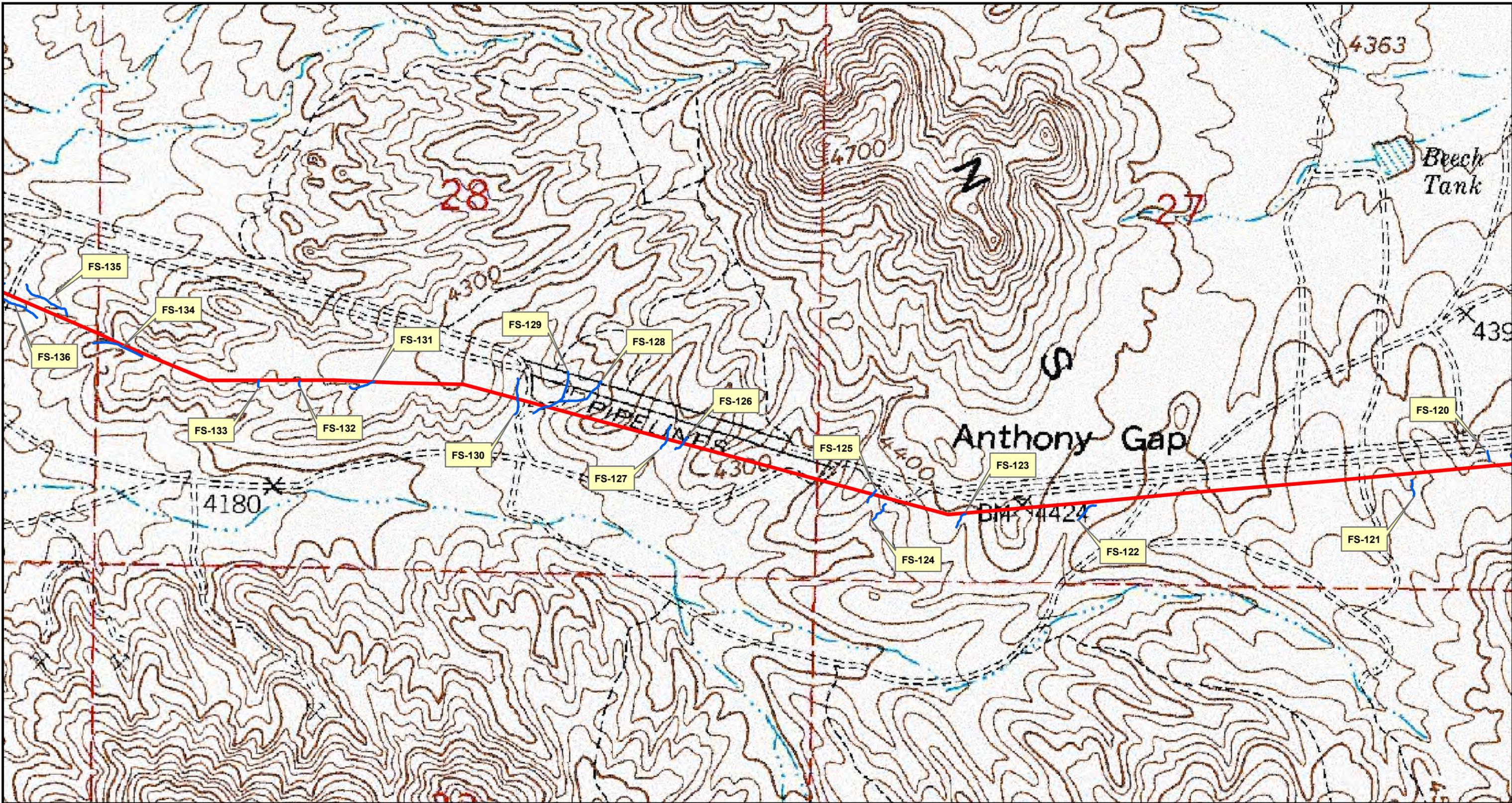
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 DONA ANA COUNTY, NEW MEXICO

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FIGURE 3-11 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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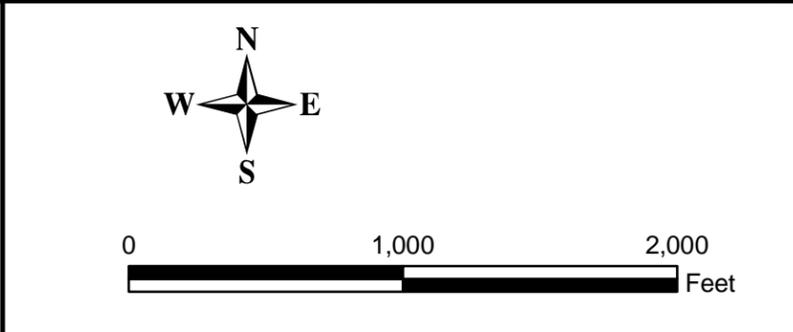
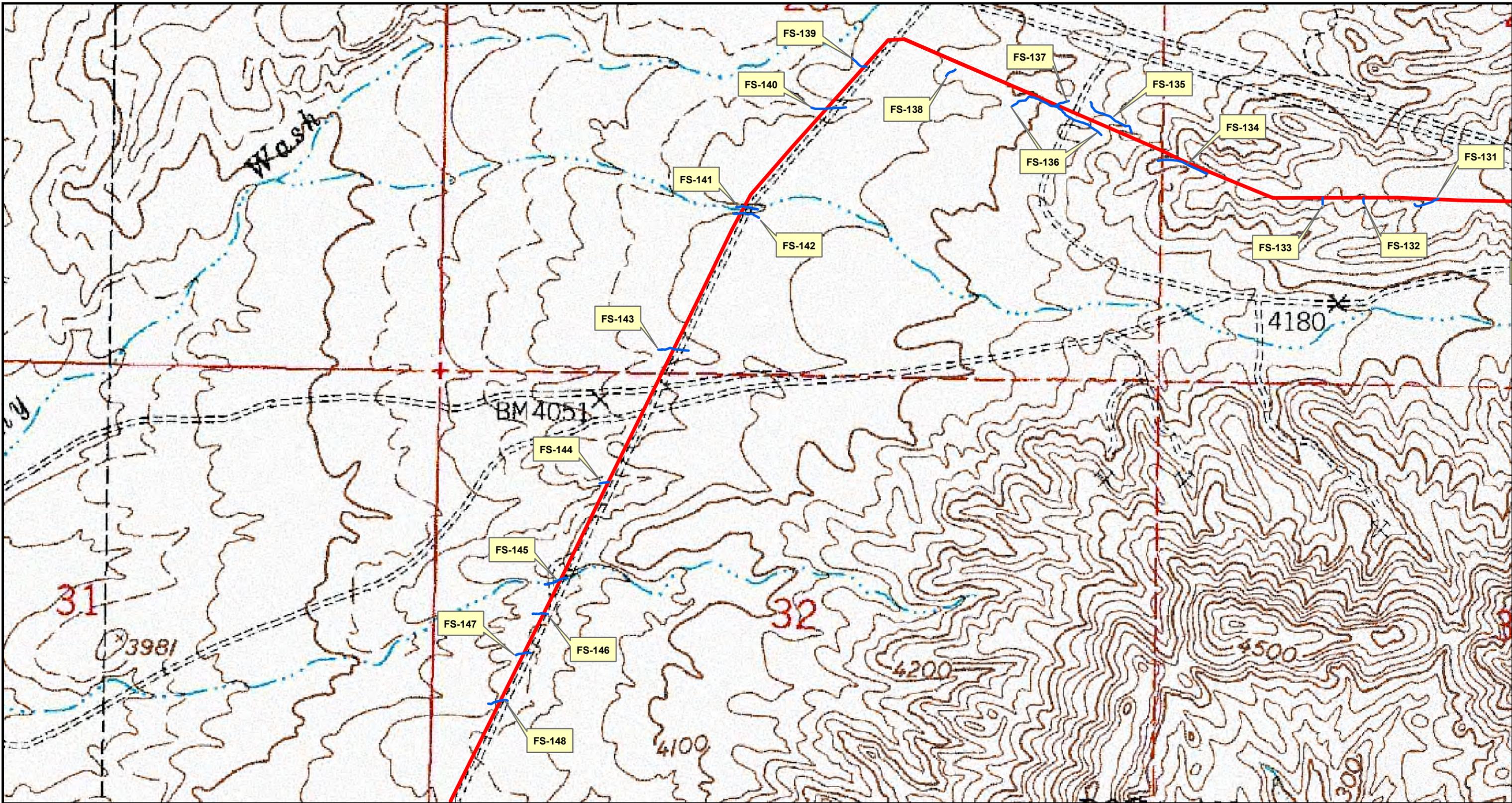
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FIGURE 3-12 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

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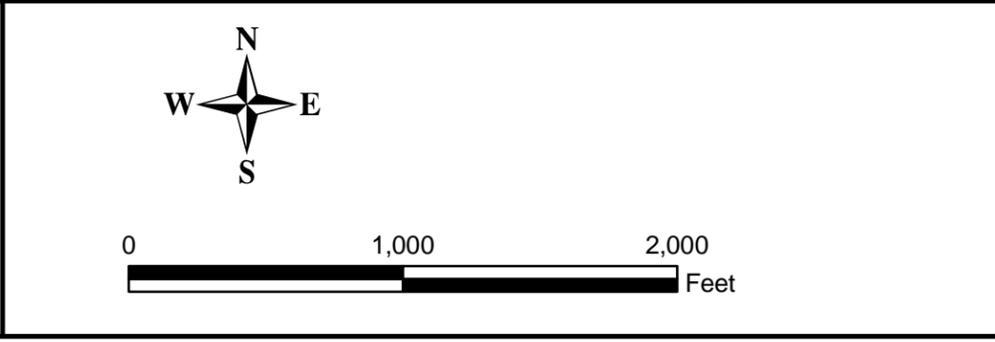
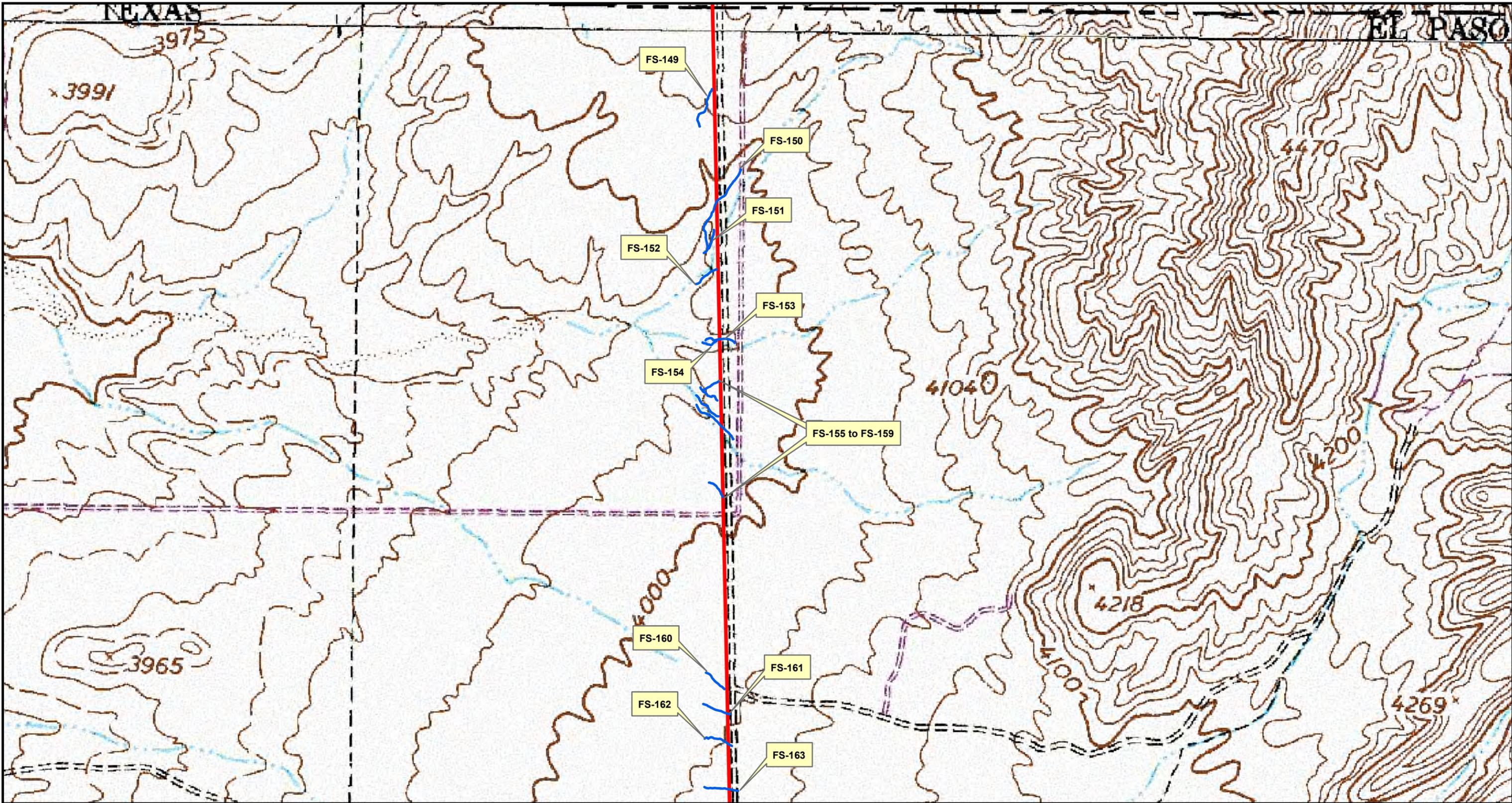
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 DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT

BLACKSHARE
 ENVIRONMENTAL SOLUTIONS

FIGURE 3-13 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



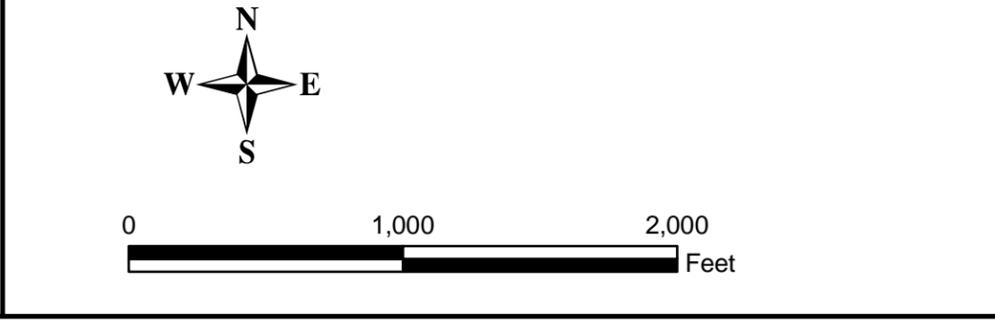
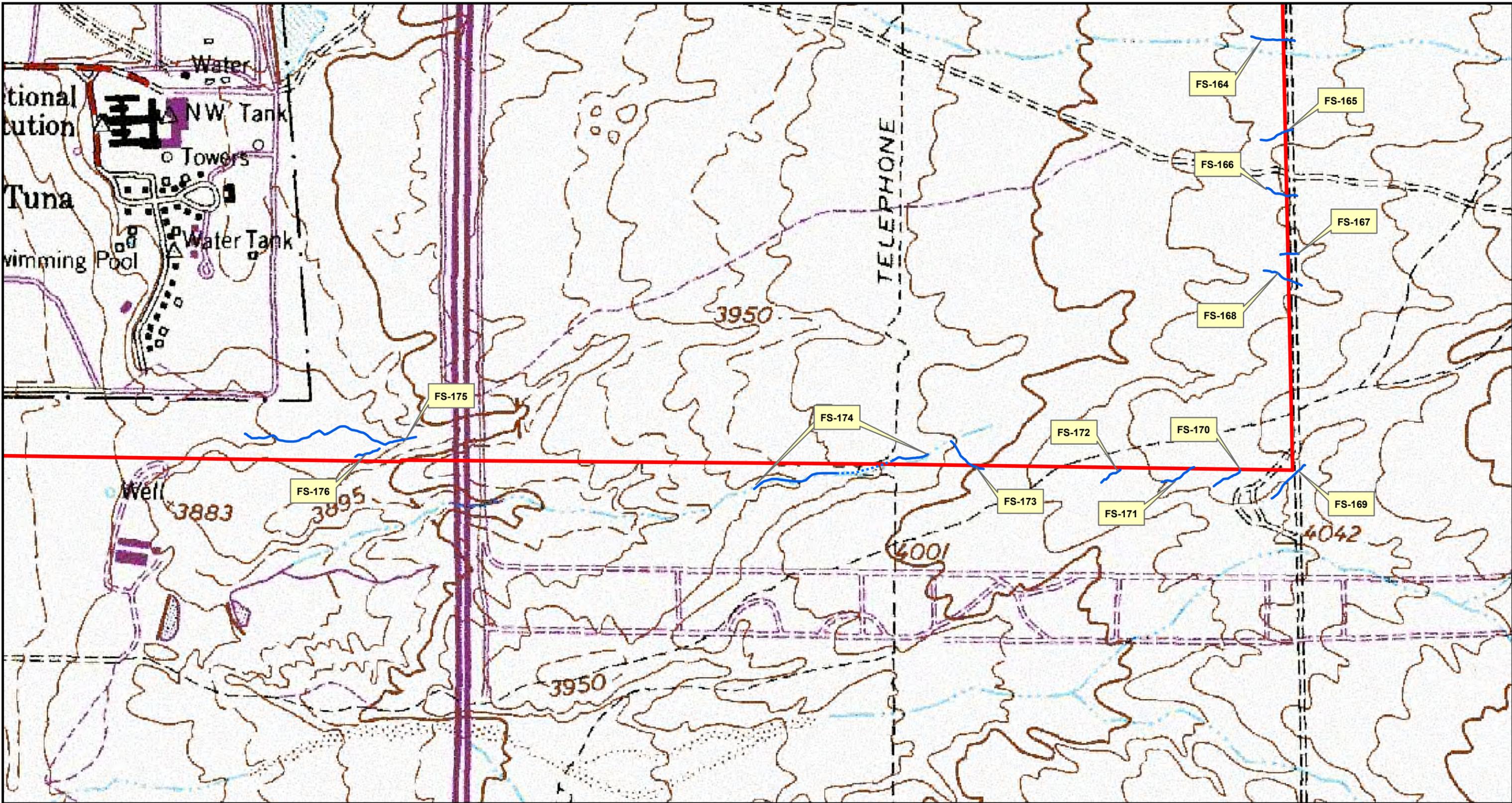
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT

BLACKSHARE
 ENVIRONMENTAL SOLUTIONS

FIGURE 3-14 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



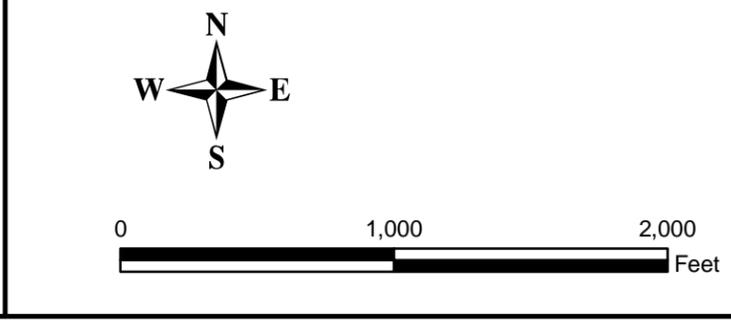
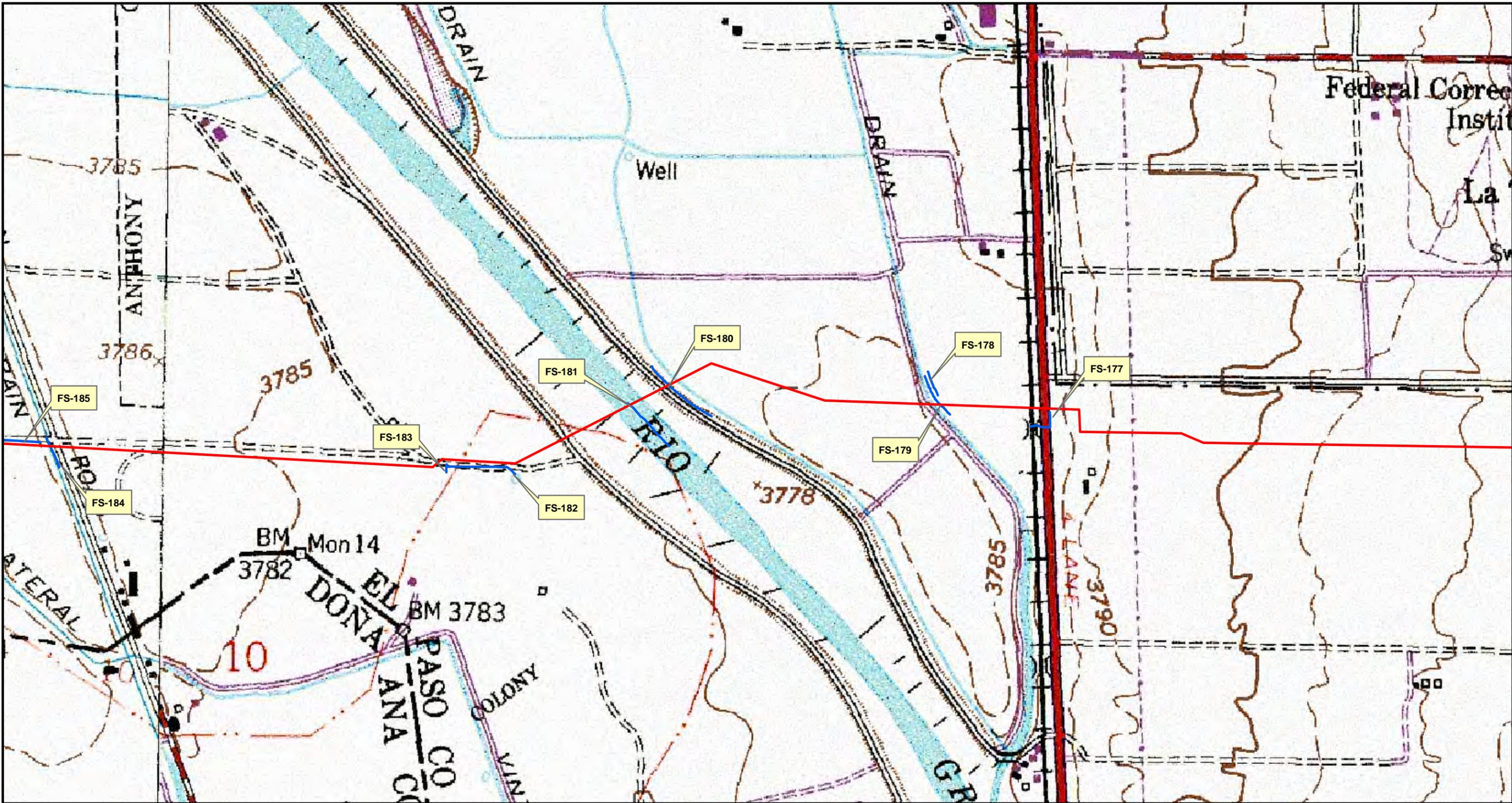
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT

BLACKSHARE
 ENVIRONMENTAL SOLUTIONS

FIGURE 3-15 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



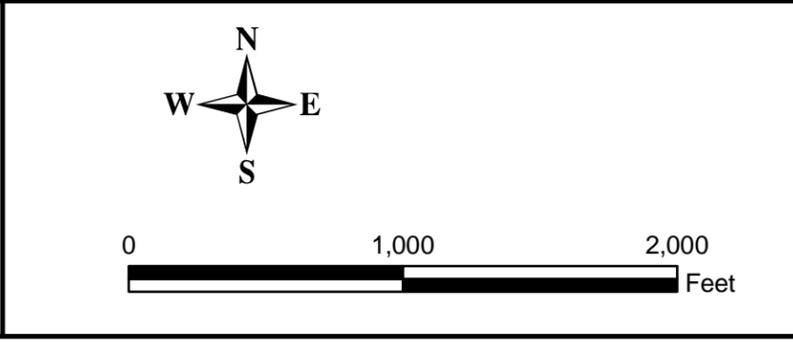
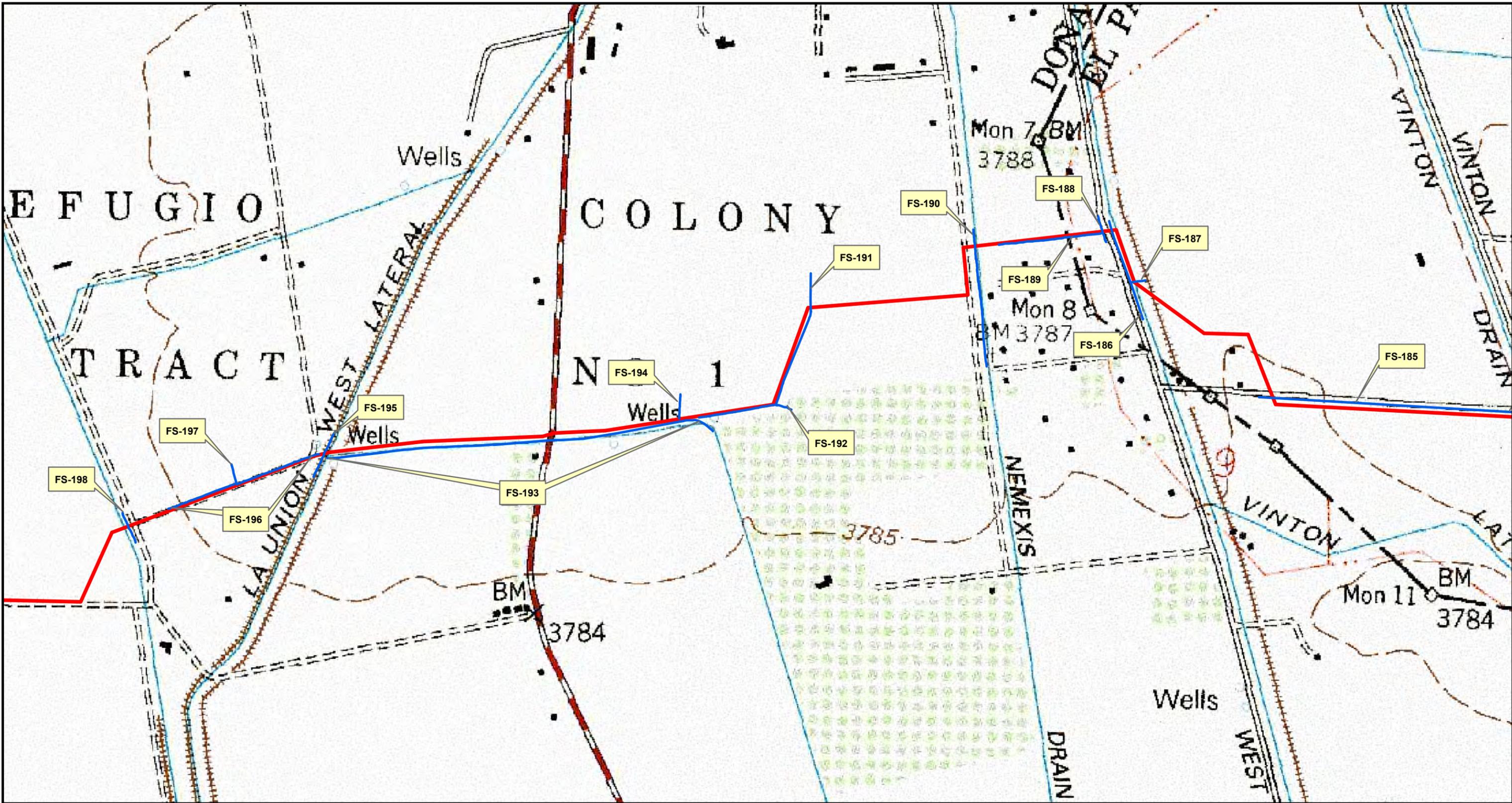
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EI PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT

BLACKSHARE
 ENVIRONMENTAL SOLUTIONS

FIGURE 3-16 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 10-02-12 BY: CEH



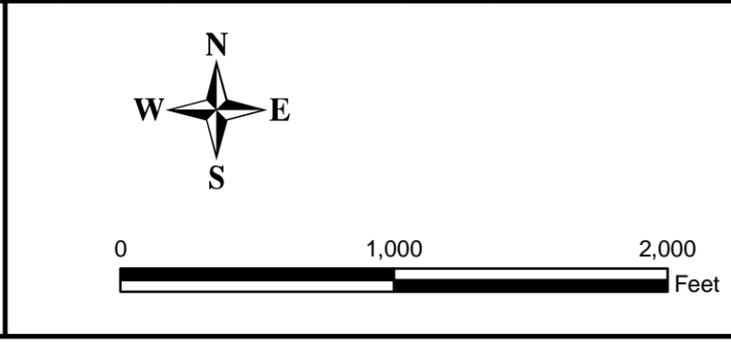
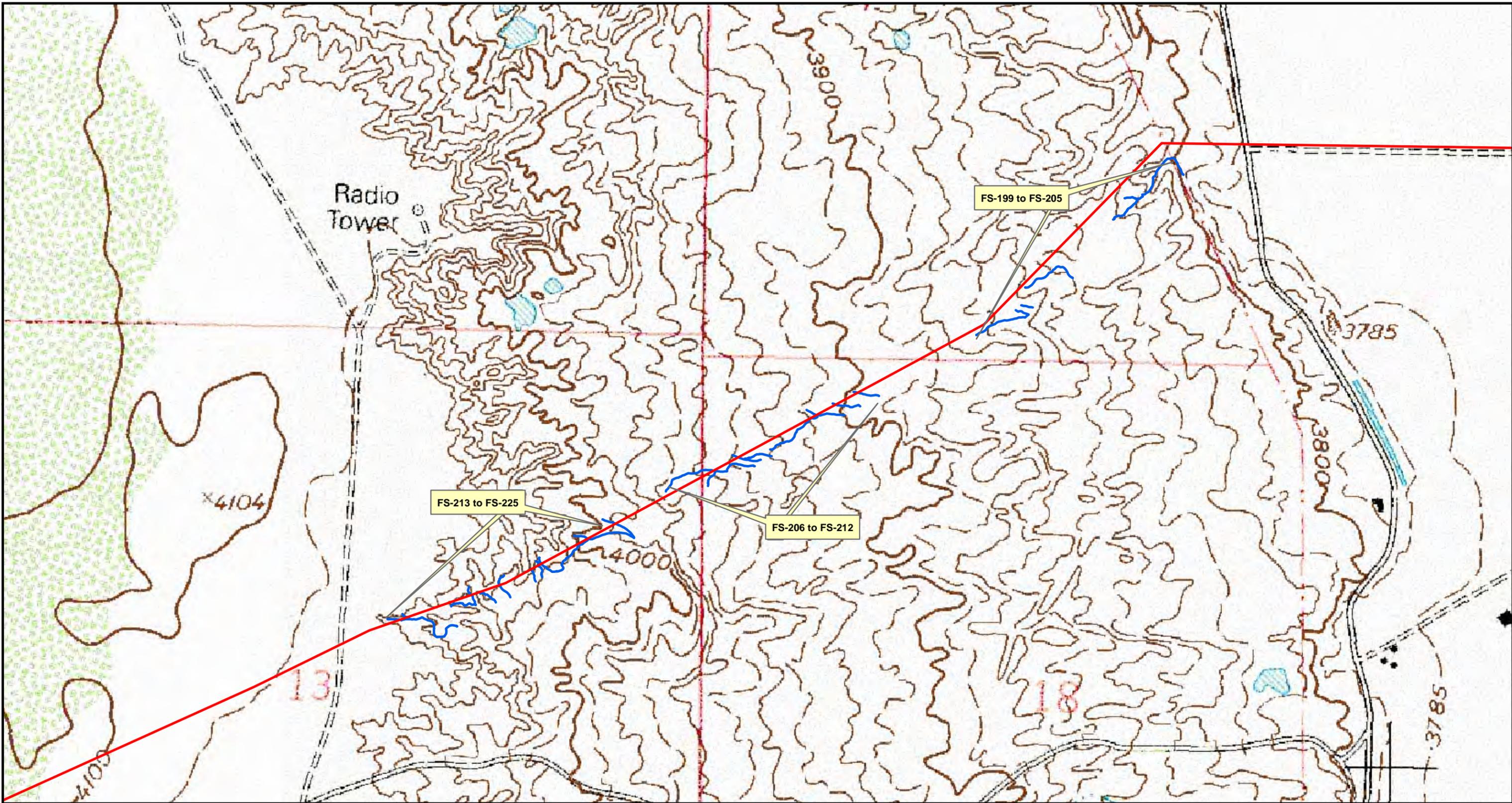
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT

BLACKSHARE
 ENVIRONMENTAL SOLUTIONS

FIGURE 3-17 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



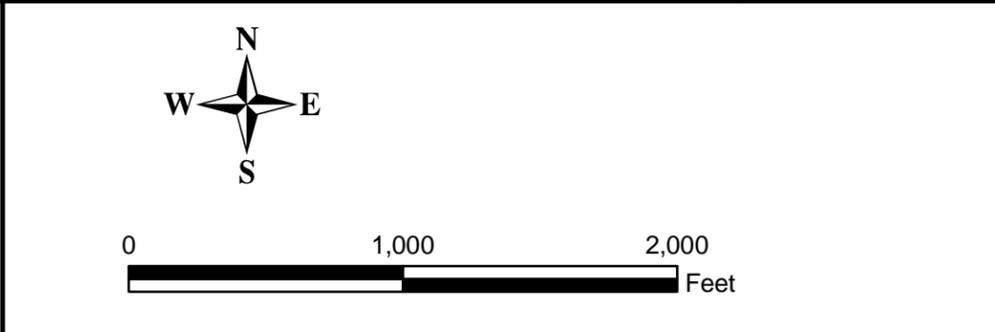
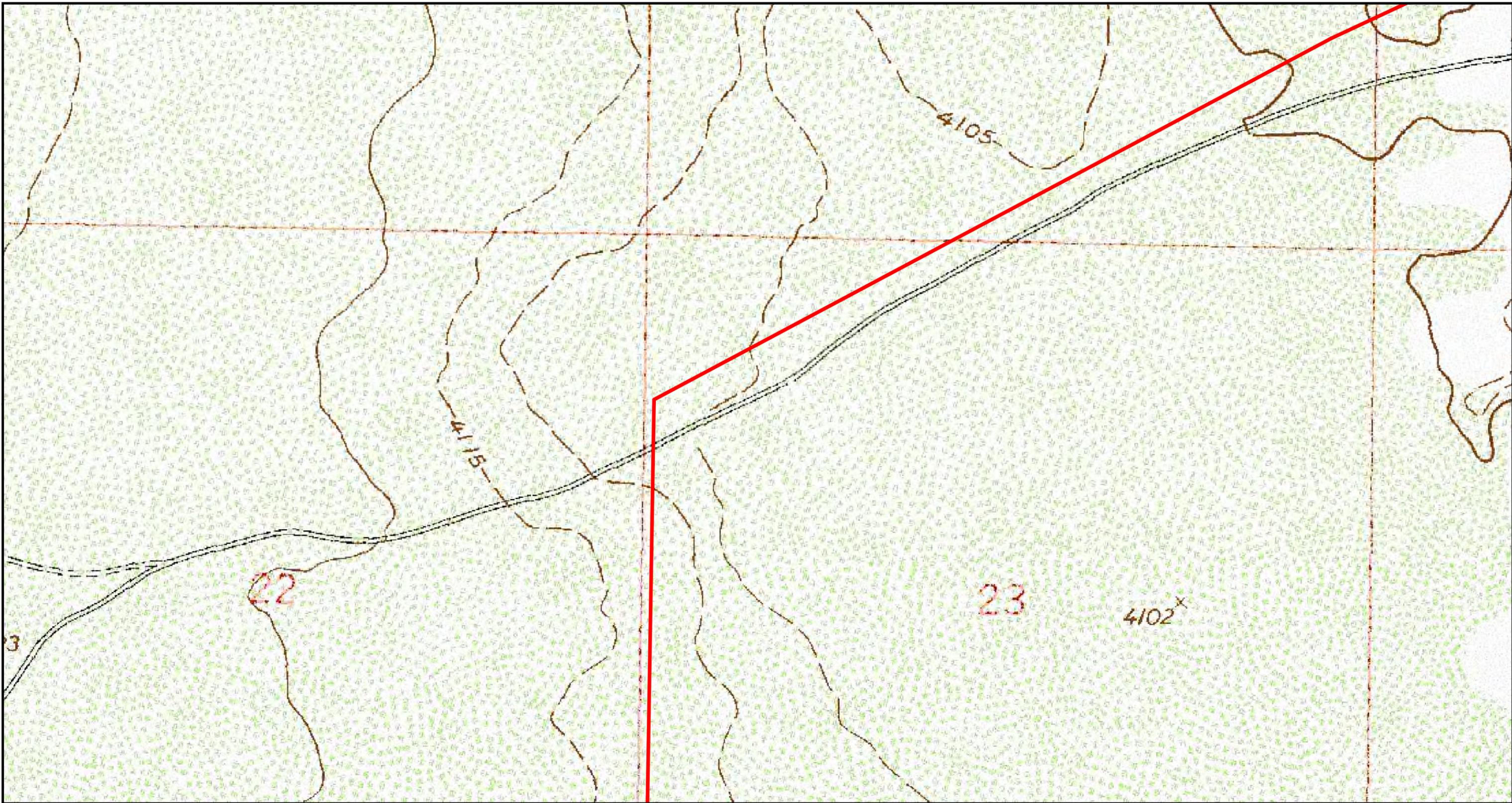
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EI PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT

BLACKSHARE
 ENVIRONMENTAL SOLUTIONS

FIGURE 3-18 TOPOGRAPHIC ROUTE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 10-02-12 BY: CEH



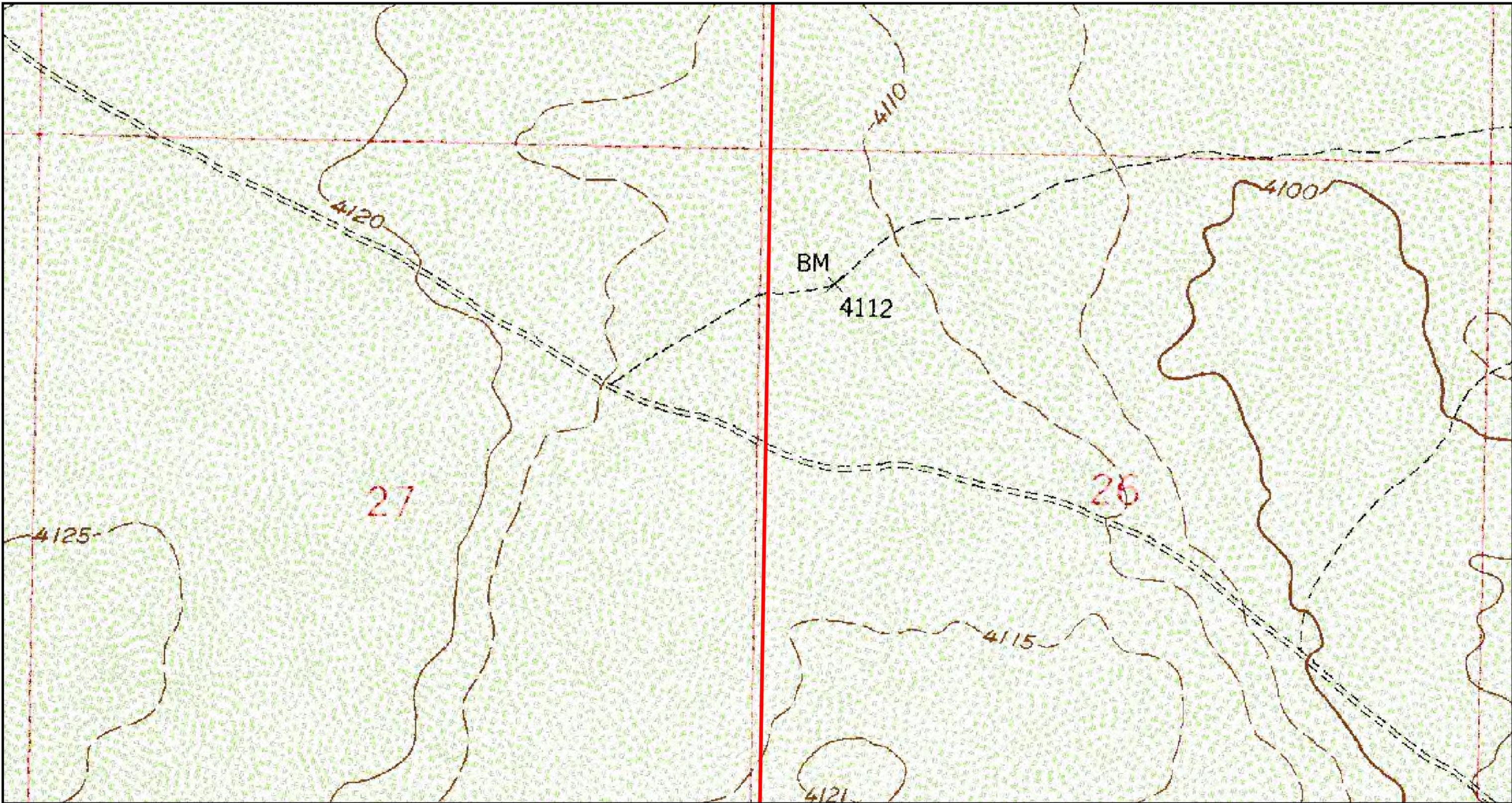
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
 EL PASO COUNTY, TEXAS
 DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT

BLACKSHARE
 ENVIRONMENTAL SOLUTIONS

FIGURE 3-19 TOPOGRAPHIC ROUTE MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



DONA ANA COUNTY, NEW MEXICO



EL PASO COUNTY, TEXAS



U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP

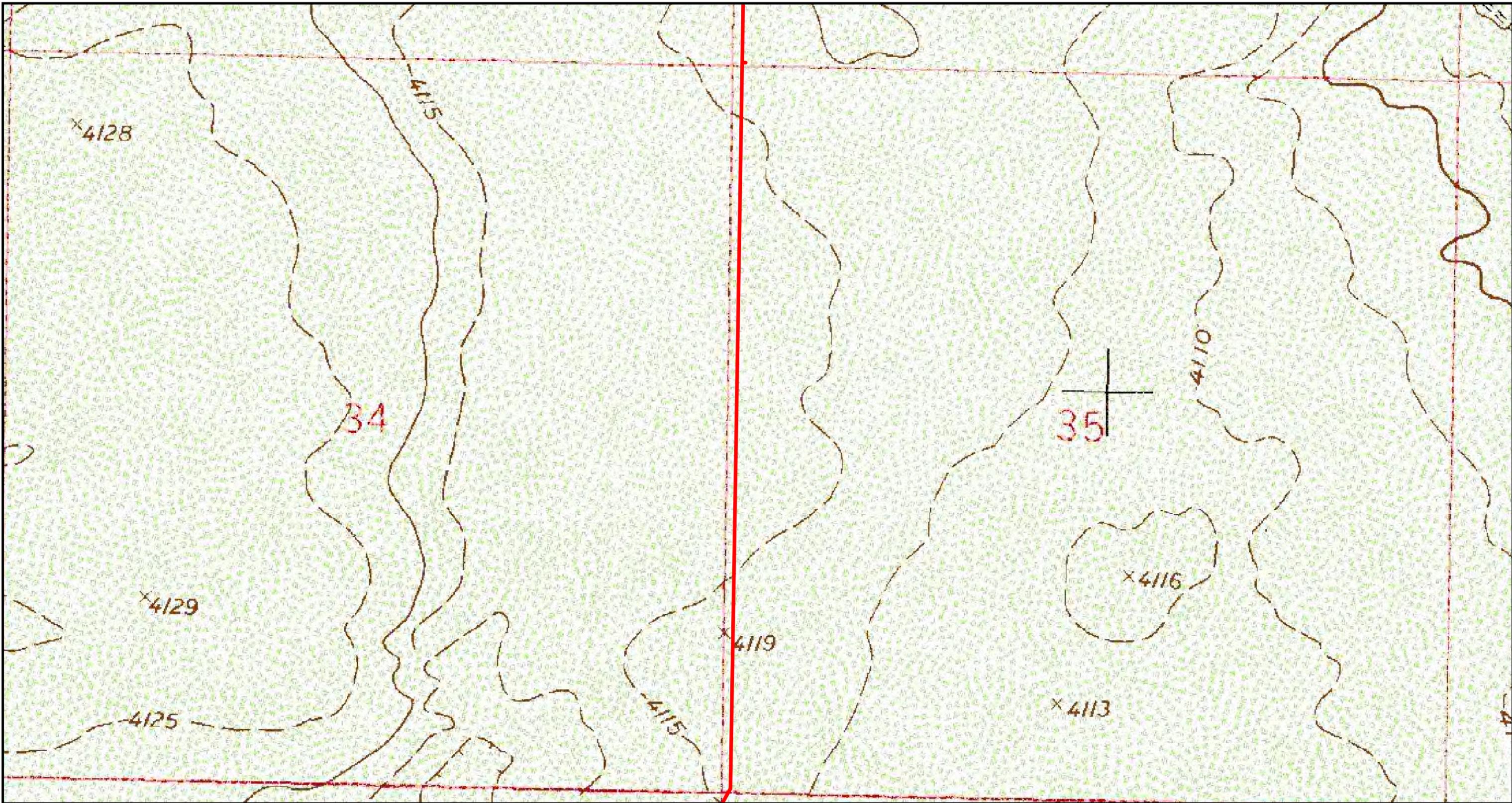
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

= PROPOSED ALIGNMENT



FIGURE 3-20 TOPOGRAPHIC ROUTE MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



DONA ANA COUNTY, NEW MEXICO



EL PASO COUNTY, TEXAS



U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP

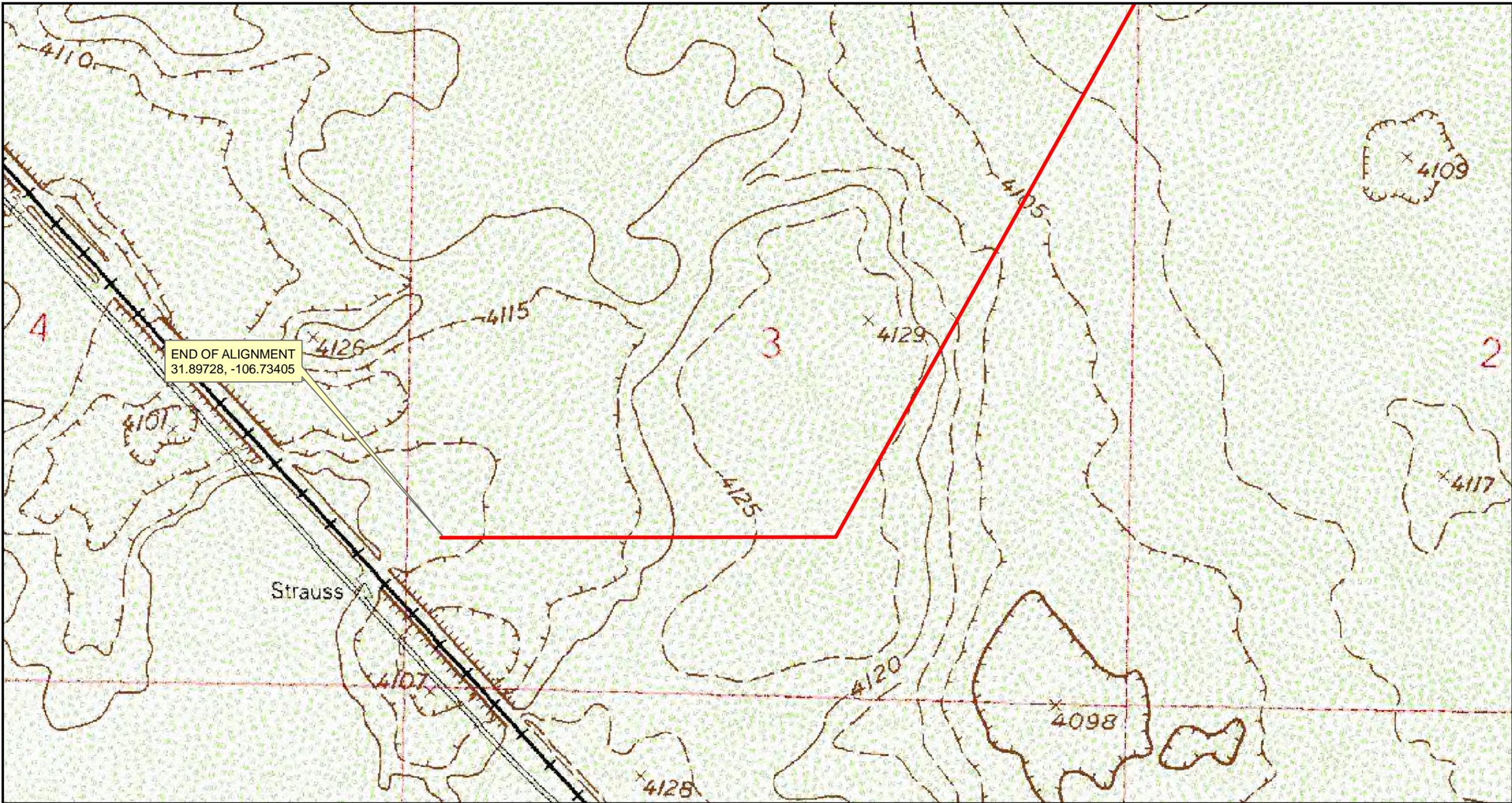
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

= PROPOSED ALIGNMENT



FIGURE 3-21 TOPOGRAPHIC ROUTE MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



END OF ALIGNMENT
31.89728, -106.73405

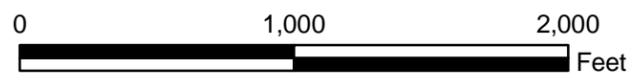
Strauss



DONA ANA COUNTY, NEW MEXICO



EL PASO COUNTY, TEXAS



U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP

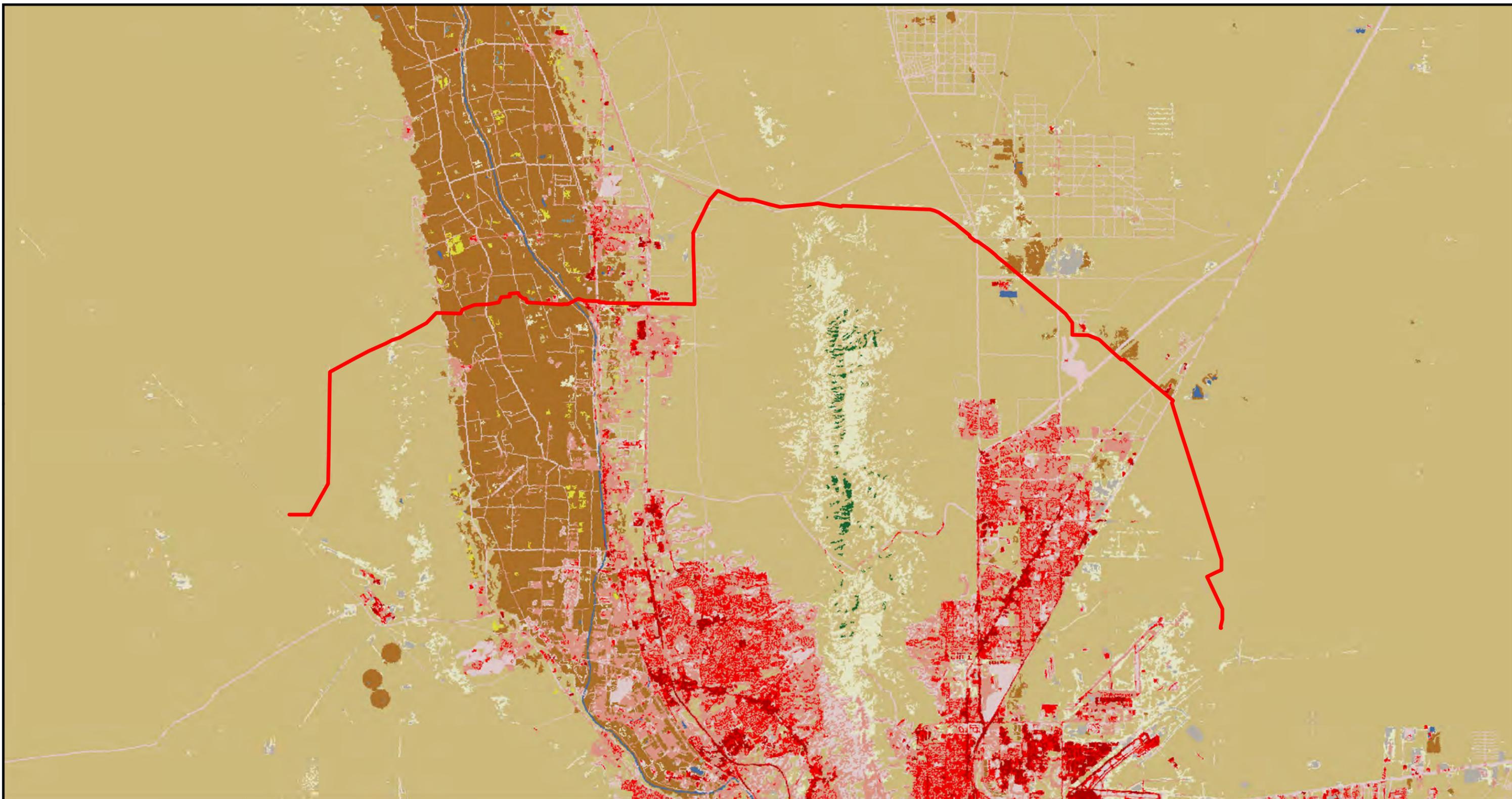
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

— = PROPOSED ALIGNMENT



FIGURE 3-22 TOPOGRAPHIC ROUTE MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO

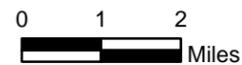
PROJECT: 2326-11 DATE: 02-28-12 BY: CEH



DONA ANA COUNTY
NEW MEXICO



EL PASO COUNTY
TEXAS

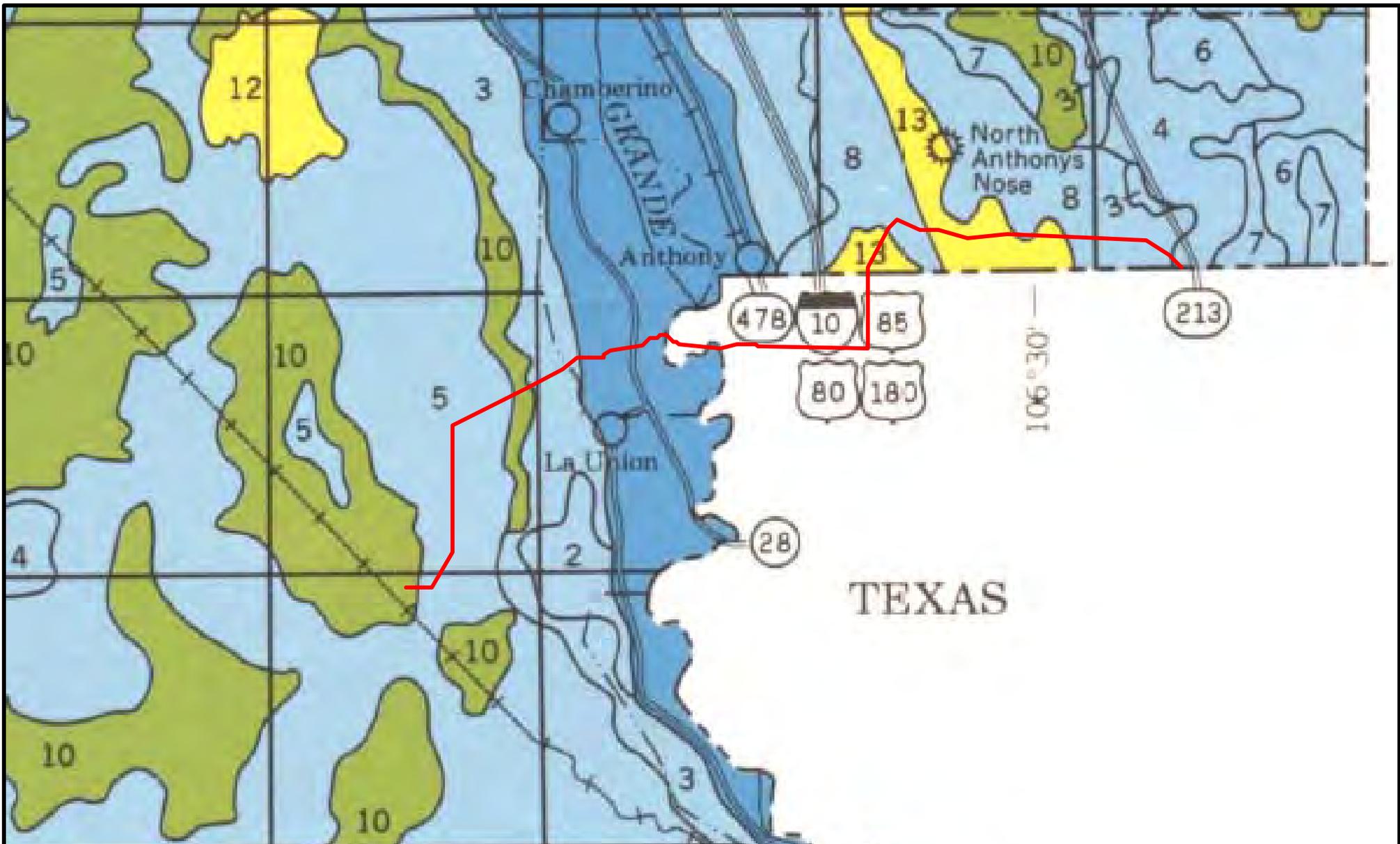


- | | | | | | |
|---|-------------------------------|---|-------------------------------|---|---------------------|
|  | = CULTIVATED CROPS |  | = EVERGREEN FOREST |  | = PROPOSED PIPELINE |
|  | = SHRUB/SCRUB |  | = BARREN LAND | NRCS LANDCOVER DATASET | |
|  | = HAY/PASTURE |  | = DEVELOPED, OPEN SPACE | | |
|  | = HERBACEOUS |  | = DEVELOPED, HIGH INTENSITY | EL PASO COUNTY, TEXAS
DONA ANA COUNTY, NEW MEXICO | |
|  | = OPEN WATER |  | = DEVELOPED, MEDIUM INTENSITY | | |
|  | = EMERGENT HERBACEOUS WETLAND |  | = DEVELOPED, LOW INTENSITY | | |



FIGURE 4 OVERVIEW of LANDCOVER MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
PROPOSED STRAUSS PIPELINE
DONA ANA COUNTY, NEW MEXICO
EL PASO COUNTY, TEXAS

PROJECT: 2326-11 DATE: 08-2-12 BY: XW



- | | | | | | |
|---|---------------------------|----|----------------------------|----|----------------------------|
| 1 | Glendale Harkey | 7 | Mimbres-Stellar | 13 | Akela-Rock outcrop-Aftaden |
| 2 | Bluepoint | 8 | Nickel-Upton | — | Proposed Pipeline Route |
| 3 | Caliza-Bluepoint-Yturbide | 9 | Cacique-Cruces | | |
| 4 | Pajarito-Onite-Pintura | 10 | Harrisburg-Simona-Wink | | |
| 5 | Pintura-Wink | 11 | Rock outcrop-Motoqua | | |
| 6 | Berino-Dona Ana | 12 | Akela-Rock outcrop-Aftaden | | |

US DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
SOIL SURVEY MAP
DONA ANA COUNTY, NEW MEXICO

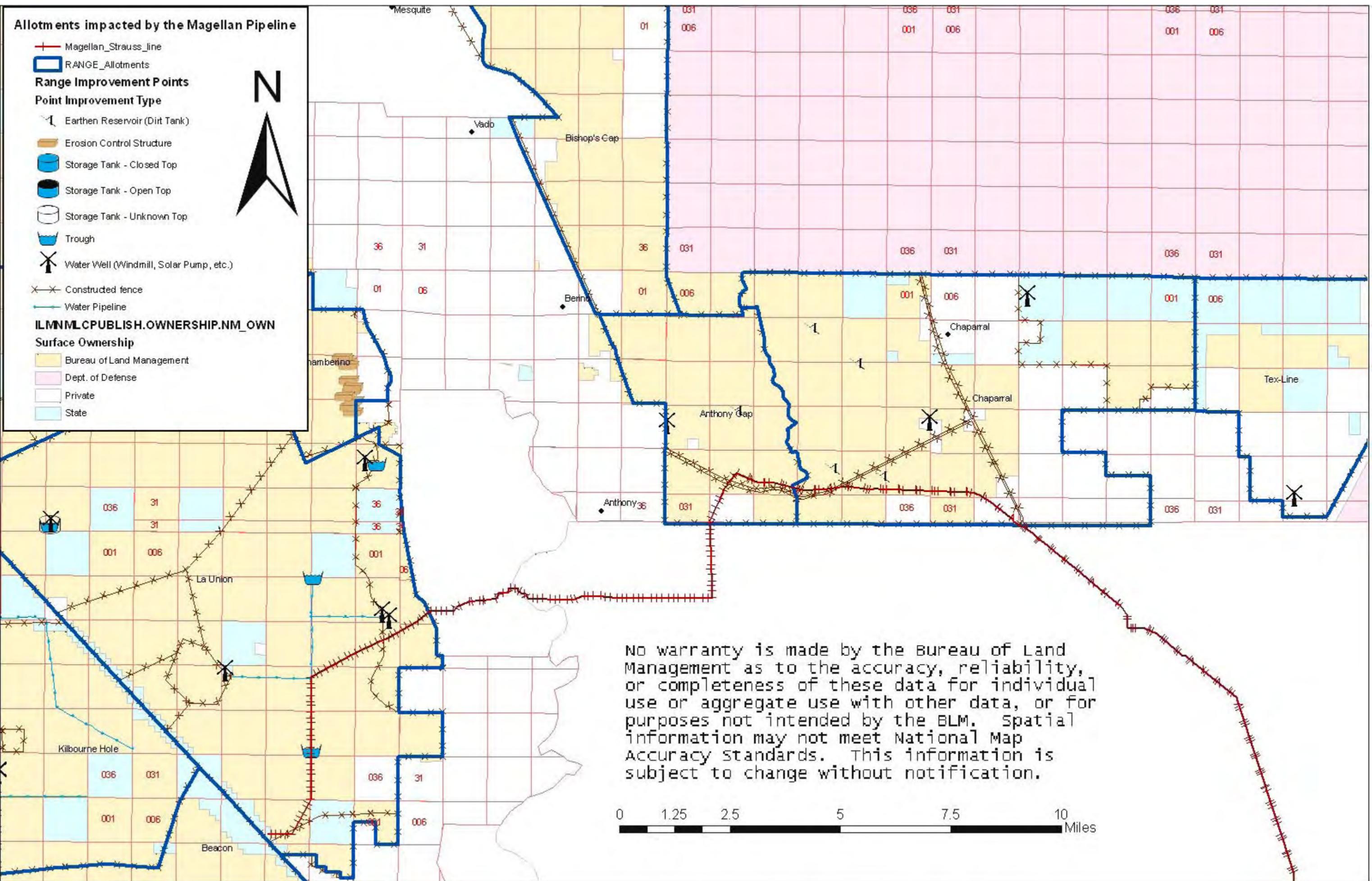


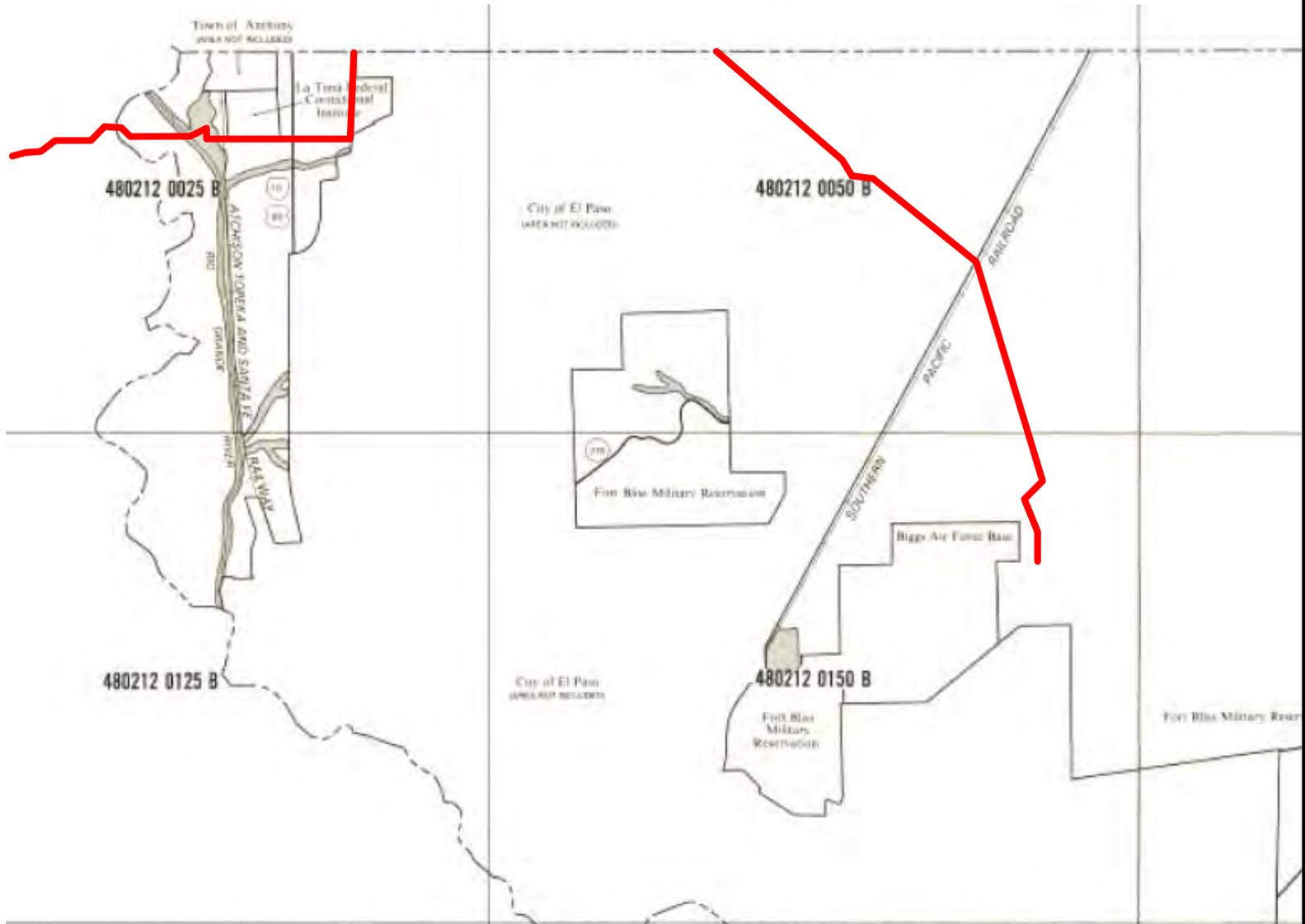
Not to Scale



FIGURE 5-2 OVERVIEW SOIL SURVEY MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
DONA ANA COUNTY, NM

PROJECT: 2326-11 DATE: 07-25-12 BY: XW





- 1 Panel Number - 4802120025B
- 2 Panel Number - 4802120050B
- 3 Panel Number - 4802120150B

— Proposed Pipeline Route

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP
 EL PASO COUNTY, TEXAS

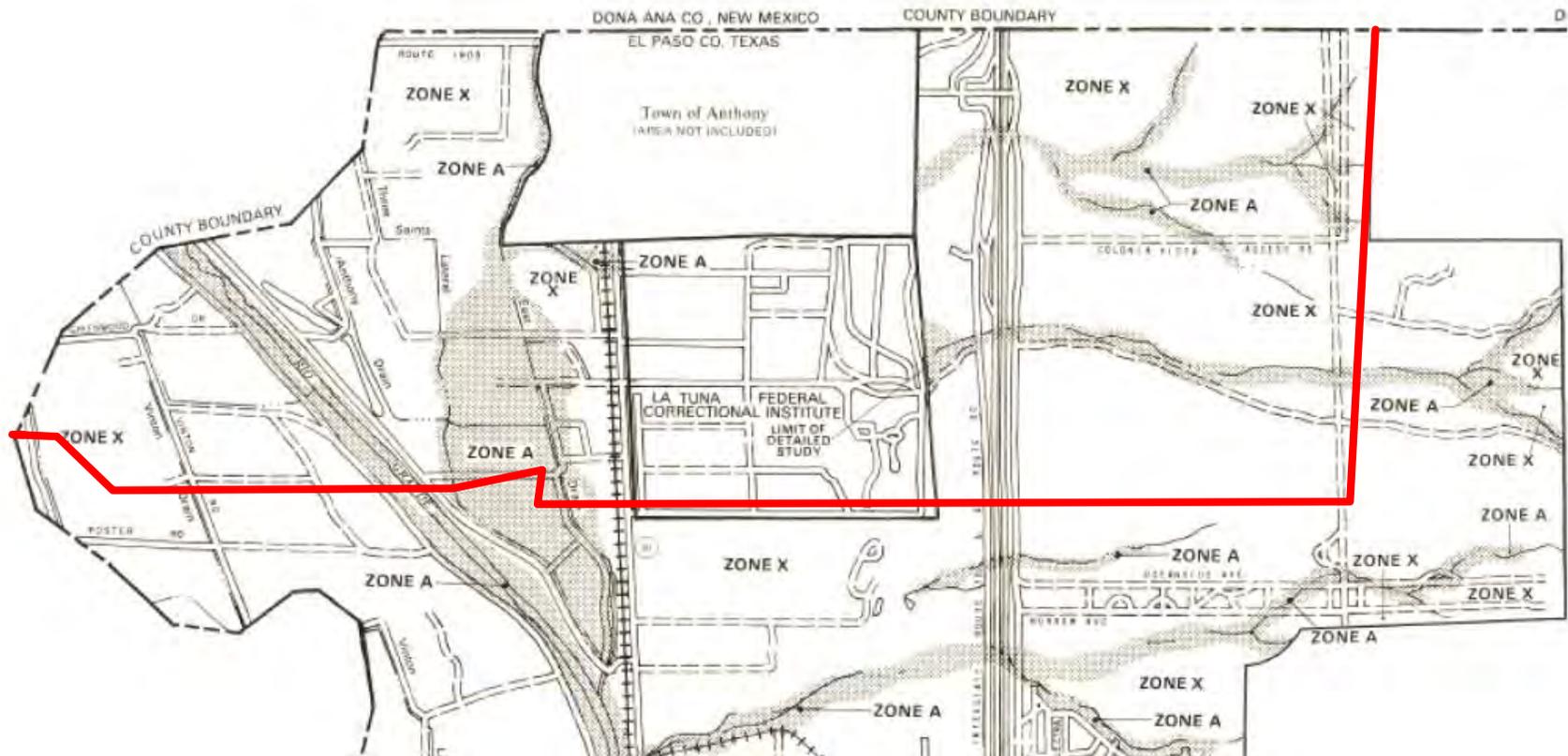


Not to Scale



FIGURE 7-1 OVERVIEW FLOOD ZONE MAP
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
EL PASO COUNTY, TX

PROJECT: 2326-11 DATE: 08-07-12 BY: XW



— Proposed Pipeline Route

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP
 EL PASO COUNTY, TEXAS

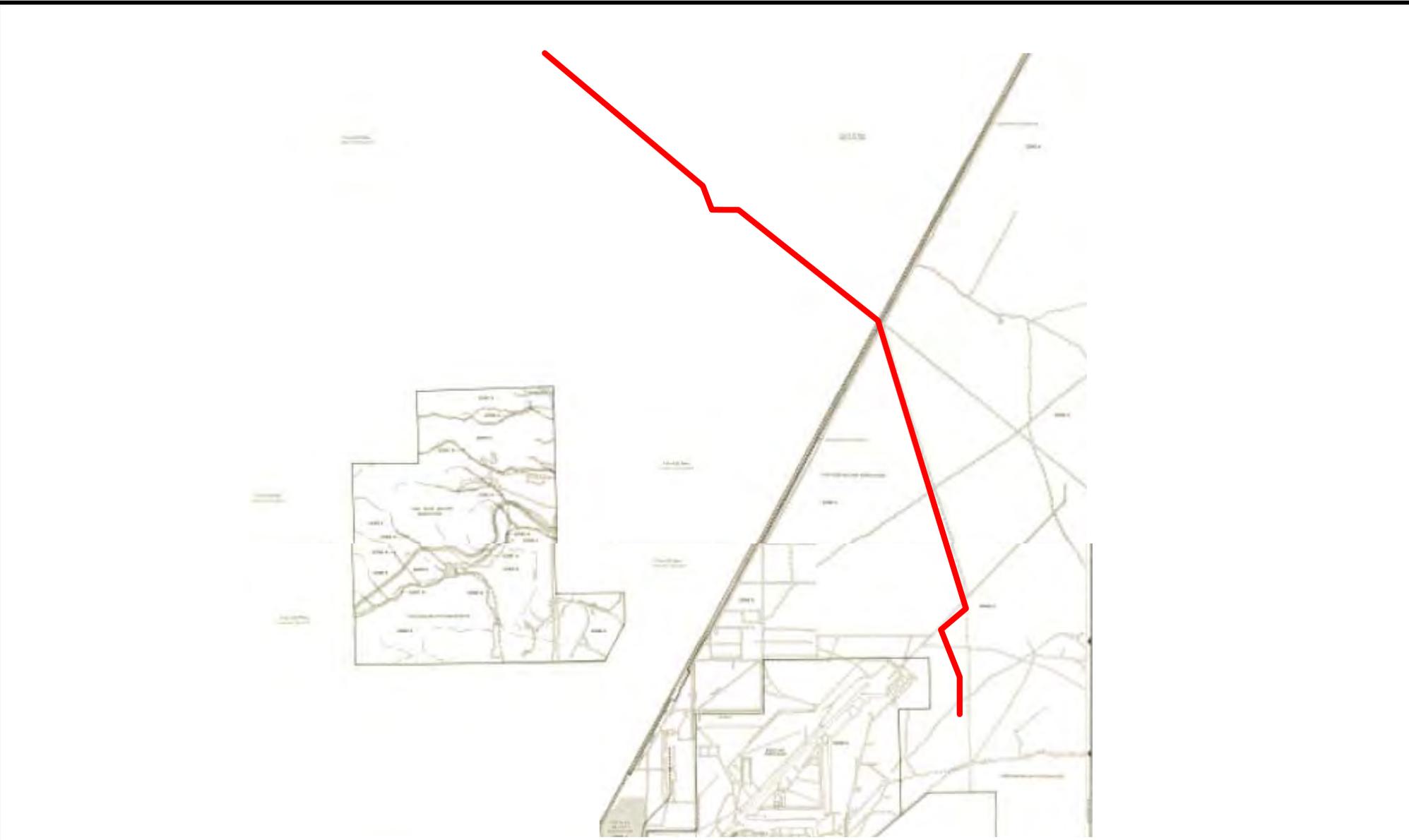


Not to Scale



FIGURE 7-1-1 PANEL MAP
PANEL NUMBER 4802120025B
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
EL PASO COUNTY, TX

PROJECT: 2326-11 DATE: 08-07-12 BY: XW



— Proposed Pipeline Route

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
EL PASO COUNTY, TEXAS

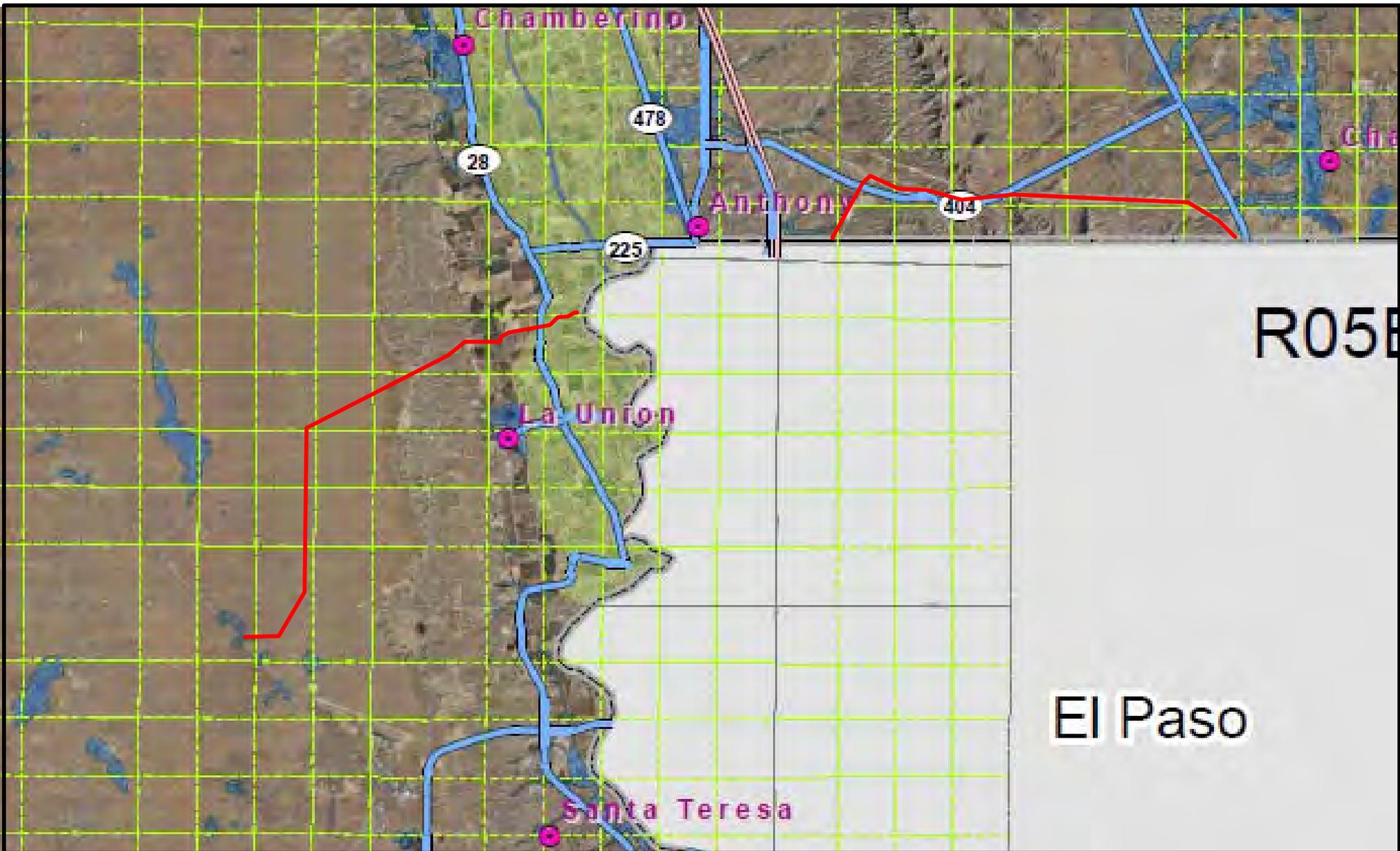


Not to Scale



FIGURE 7-1-2 PANEL MAP
PANEL NUMBER 4802120050B AND 4802120150B
MAGELLAN MIDSTREAM PARTNERS, L.P.
STRAUSS PIPELINE
EL PASO COUNTY, TX

PROJECT: 2326-11 DATE: 08-07-12 BY: XW



R05B

El Paso

-  INTERSTATE
-  HIGHWAY; STATE ROAD
-  Communities
-  DAC_Townships
-  Section Lines
-  US Counties

- Flood Zones**
- ZONE_**
-  A
 -  ANI
 -  X
 -  X500

 Proposed Pipeline Route

FLOOD MAP SOURCE
 DONA ANA COUNTY FLOOD COMMISSION
 DONA ANA COUNTY, TEXAS



Not to Scale



FIGURE 7-2 OVERVIEW FLOOD ZONE MAP
 MAGELLAN MIDSTREAM PARTNERS, L.P.
 STRAUSS PIPELINE
 DONA ANA COUNTY, TX

**Programmatic Agreement
Among
The Bureau of Land Management
The New Mexico State Historic Preservation Officer
The Texas State Historic Preservation Officer
The United States Army Corps of Engineers
International Boundary and Water Commission
The New Mexico State Land Office
The New Mexico Department of Transportation
United States Department of Defense
AND
Magellan Pipeline Co. L.P.
Regarding the
Magellan Refined Petroleum Products El Paso to Strauss Pipeline**

Whereas, Magellan Pipeline Co., L.P., intends to construct the El Paso to Strauss pipeline (Project) according to the general parameters contained in the Project Description (Attachment 1); and

Whereas, the New Mexico State Office of the Bureau of Land Management (BLM) has been designated to serve as the federal lead agency for the Project and has determined the Project may have an adverse effect upon properties included in or eligible for inclusion in the National Register of Historic Places (NRHP); and

Whereas, the BLM has consulted with the United States Army Corps of Engineers (USACOE), the New Mexico State Historic Preservation Officer, the Texas State Historic Preservation Officer pursuant to Section 800.6 of the regulations (36 CFR part 800) implementing Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) and has invited them to concur with this agreement; and

Whereas, the BLM has notified Advisory Council on Historic Preservation (ACHP) that the Project will have adverse effects on properties listed on or eligible for listing on the National Register of Historic Places (4-23-12) and the ACHP declined to participate to resolve adverse effects (05-8-12); and

Whereas, the BLM is responsible for government-to-government consultation with Indian tribes and has formally invited the Indian tribes listed below to participate in consultation regarding the potential effects of the Project on properties to which they ascribe traditional religious and cultural significance; and

Whereas, the Comanche Indian Tribe; Fort Sill Apache Tribe; Hopí Tribe; Kiowa Tribe of Oklahoma; Mescalero Apache Tribe, The Navajo Nation; Pueblo of Acoma, Pueblo of Isleta; Pueblo of Laguna; Pueblo of Tesuque; Pueblo of Zuni; White Mountain Apache Tribe; and Ysleta del Sur Pueblo have been invited to participate in consultations and to concur in this agreement; and

Whereas, the Project crosses lands under the jurisdiction of the New Mexico State Land Office (NMSLO), the New Mexico Department of Transportation (NMDOT), the Texas Department of Transportation (TXDOT), the United States Department of Defense (DOD), and the International Boundary and Water

Commission (IBWC), and the BLM has consulted with these agencies about the effects of the Project on historic properties and invited them to concur in the agreement; and

Whereas, the USACOE, in cooperation with the United States Environmental Protection Agency (USEPA), will be responsible for issuing permits under Section 404 of the Clean Water Act; and

Whereas, the TXDOT has been invited to be a concurring party to this Agreement but has declined to participate; and

Whereas, the NMSLO and NMDOT intend to use the provisions of this agreement to address the applicable requirements of the Cultural Properties Act (§ 18-6-1 through §18-6-17 NMSA 1978), the Cultural Properties Protection Act (§ 18-6A-1 through § 18-6A-6 NMSA 1978, and the Prehistoric and Historic Sites Preservation Act (§ 18-8-1 through §18-8-7 NMSA 1978); and

Whereas, Magellan Pipeline Co., L.C., has participated in consultations and has been invited to participate as a signatory to this agreement; and

Now, Therefore, the parties to this document agree that the El Paso to Strauss Pipeline Project shall be completed in accordance with the stipulations established in this Agreement.

PROJECT DESCRIPTION

See Attachment 1

STIPULATIONS

BLM shall ensure that the Project is carried out in accordance with the following stipulations:

1. Identification of Historic Properties

a. the Area of Potential Effect (APE) for the Project (Attachment 2) is defined as:

(1) The 75 foot wide temporary construction right-of-way for the pipeline.

(2) All other areas that will be disturbed by Project activities, including access routes, ancillary facilities, operations areas, storage areas, and "lay down" areas.

(3) In addition to the area of physical impact, the APE shall consider the visual impacts of the Project within a view shed of ¼ mile from the centerline of the proposed pipeline right-of-way and access routes, and a view shed of ¼ mile from all other areas that will be disturbed, including ancillary facilities, operations areas, storage areas, and "lay down" areas.

b. The BLM shall ensure that the Applicant completes a cultural resources inventory to identify historic properties that could be affected by Project activities. This inventory will include a Class I, Existing Data Inventory, of all previously recorded cultural resources with ¼ mile of the centerline of the proposed right-of-way, access routes, ancillary facilities, operations areas, storage areas, and "lay down" areas. The inventory will also include a Class III, Intensive Field Inventory, of the APE as defined in stipulation 1a(1) and 1a(2), above. All field work in New Mexico shall be performed in accordance with BLM Manual Supplement H-8100-1.

c. For the APE as defined in 1a(1) and 1a(2) above, all historic linear features such as canals, roads, trails, and railroads will be identified and recorded where they intersect the APE and will be fully recorded within the APE. All previously recorded sites within the APE will be revisited. Site records and NRHP eligibility recommendations will be updated and revised as appropriate. Previously recorded sites and newly recorded sites whose boundaries lie partially within the APE will, to the extent practical, be fully recorded, regardless of surface ownership. In both states, both previously recorded and newly recorded sites will be referenced by permanent site numbers, Universal Transverse Mercator (UTM) coordinates and by Milepost within NMDOT and TXDOT rights-of-way.

d. The BLM shall ensure that the applicant prepares comprehensive Inventory Reports incorporating findings from the Class I, Existing Data Inventory, and the Class III, Intensive Field Inventory. This comprehensive Inventory shall include assessments of visual, audible and atmospheric, and direct, indirect and cumulative effects within the view shed of the project as described in 1a(3),

above. In Texas, the Council of Texas Archaeologists Guidelines for Cultural Resource Management Reports shall be followed.

e. The Applicant shall submit the draft Inventory Reports for each state to the BLM. The BLM will provide the reports to the appropriate land managers and tribes within each state for review, concurrent with BLM review, requesting comments within 30 calendar days regarding the adequacy of the identification effort, the NRHP eligibility of the cultural properties identified, the effects of the Project on the cultural properties identified, and whether there are any properties of traditional cultural or religious importance to Indian tribes that were not identified in the inventory and that may be affected by the Project. The BLM shall ensure that comments received within 30 calendar days are considered in development of the revised Inventory Reports. The BLM will submit the revised inventory reports to the appropriate SHPO and land managers and tribes in each state and will request concurrence on determinations of eligibility and effect.

f. As part of its identification efforts, the BLM has consulted with Indian tribes whose aboriginal territories included portions of the proposed Project area or who have previously expressed interest in undertakings with the APE. The BLM shall continue to consult with Indian tribes regarding properties of traditional and cultural importance to them that might be affected by the Project by providing review and comment opportunities for draft and final version of the Inventory Report. The consultation process will remain open for any tribe that expresses a desire to participate.

g. It is understood that all construction needs cannot be anticipated in advance of project construction, and that areas required for additional work space, access roads, ancillary facilities, reroutes, etc., may be identified at any time following the acceptance of the Inventory Report(s) by the Signatories. Any newly identified construction needs which would result in ground disturbing activities outside of the surveyed areas identified in the Inventory Report will result in the submission of a request for variance review by the BLM.

(1) The APE of all variance areas will be defined as the proposed area of physical impact.

(2) All variance areas will be subject to a Class I, Existing Data Inventory review, and a Class III, Intensive Field Inventory.

(3) If no cultural resources are present within the variance APE, the results of the Class I and Class III Inventories will be reported on NMCRIS Investigation Abstract Form (NIAF) (for New Mexico) prior to any access or use. The BLM will provide an expedited review of the variance request not to exceed two (2) working days following receipt, and will provide the Applicant's cultural resources contractor with written approval of the variance via electronic mail. For variances that involve NMDOT lands acquired from private sources, NMDOT will provide an expedited review of the variance request, not to exceed 5 working days.

(4) If cultural resources are present within the variance APE, an Inventory Report, as defined in stipulation 1d, above, will be prepared and submitted to BLM and NMDOT, if appropriate as per 1.g(3), and the appropriate SHPO for review. Understanding that variance requests may be necessary in the midst of construction activities, the agencies will provide an expedited review within five (5) working days or less. The Texas SHPO will provide review within fifteen (15) working days or less. If no objections to the variance are received, at the end of the five day period, or 15 days in Texas, BLM shall provide review within 15 days or less. If no objections to the variance are received at the end of the five day period, or 15 days in Texas, BLM shall provide the Applicant's cultural resources contractor with written approval of the variance via electronic mail. If objections are received, additional consultation regarding the variance will ensure in accordance with the provisions of this Agreement.

2. Determinations of National Eligibility

a. When making determinations of NRHP eligibility, the BLM shall take into consideration traditional cultural values associated with archaeological sites and other properties as expressed by the consulted tribes or other ethnic groups. Local governments may submit eligibility recommendations to the BLM for consideration. The BLM shall make NRHP eligibility determinations taking into consideration all comments received from the consulting parties. If the SHPO or any land managing agency disagrees with the BLM's determinations of eligibility, the BLM shall consult with the SHPO and the appropriate land managing agency to resolve the objection. If a resolution cannot be agreed upon, the BLM shall forward the required documentation to the Keeper to the National Register for final determinations. The BLM shall ensure that the Applicant prepares a revised Inventory Report, incorporating BLM's eligibility determinations, or the Keeper's determination, if requested.

b. The Applicant shall submit the revised Inventory Report to the BLM for initial review and comments. The BLM shall provide each SHPO and all consulting parties for each state the revised Inventory Report for a 30 calendar-day review. If no comments are received within 30 calendar days, concurrence with the inventory Report and BLM's determinations of eligibility will be assumed. The BLM shall ensure that any comments received within the review period are addressed in the final Inventory Report.

c. Any sites for which eligibility cannot be determined during the inventory phase of the project shall be identified in the Treatment Plan. An appropriate treatment will be developed for the purpose of providing information that would enable the BLM and the land manager to make an eligibility determination. Eligibility determinations for such sites will be submitted to the respective SHPO(s) with a summary report describing the results of the testing and request for concurrence on the determination of eligibility. The SHPO will review these determinations of eligibility and respond to the BLM within 20 calendar days. If there is no response to the BLM after 20 days, the BLM will assume concurrence with the determinations(s) of eligibility.

3. Minimizing the Adverse Effect of the Project on Historic Properties.

a. Because of the large number of properties within the APE and impossibility of avoiding physical impacts to all of them, the parties agree that this undertaking will have an adverse effect on historic properties. When possible, impacts to historic properties will be avoided.

b. Once consultations concerning eligibility have been completed, BLM, with input from the other consulting parties, shall ensure that, to the maximum feasible extent, adverse effects on eligible properties are avoided.

c. Avoidance measures for archaeological sites may include (but are not limited to) monitoring of construction near site areas, and placement of trench for pipe outside site boundaries.

d. The BLM shall identify avoidance measures for eligible properties of traditional and cultural importance in consultation with the SHPO and affected tribes or Native American groups or other ethnic groups who ascribe traditional religious and cultural importance to the properties.

4. Resolution of Adverse Effects

a. The BLM shall ensure, to the maximum feasible extent, that adverse effects to eligible historic properties are avoided or minimized and when not possible, the BLM will develop an appropriate treatment plan to mitigate the effects.

b. The BLM shall ensure that the Applicant prepares a Treatment Plan that will address the effects of the proposed undertaking on historic properties, including traditional cultural properties (TCPs) addressed in *National Register Bulletin No. 38*. The Treatment Plan will identify the nature of the effects to which historic properties will be subject and describe the strategies proposed to avoid, minimize, or mitigate those effects. The Treatment Plan will identify sites that will be tested for eligibility and specify the strategy that will be used in the event that these sites are determined to be eligible as a result of the testing phase. Stipulation 2.c. will be followed for the determination of eligibility. The Treatment Plan will be consistent with the Secretary of the Interior's Standards and Guidelines (48 CFR 44716-44742); the Council's handbook, *Treatment of Archaeological Properties*; and 36 CFR 800.13, *Post Review Discoveries*, and in so doing will incorporate provisions for monitoring and inadvertent discoveries. At a minimum the Treatment Plan will specify:

(1) The properties to be affected by the Project and the nature of those effects.

(2) Research questions and goals that are applicable to the Project area and which can be addressed through data recovery and archival studies, along with an explanation of their relevance and importance. These research questions and goals will incorporate the concept of historic contexts as defined in *National Register Bulletin 16*.

(3) Fieldwork and analytical methods and strategies applicable to the Project area, along with an explanation of their relevance to the research questions. Treatment methods will be developed for each class of property identified in the Inventory Report.

- (4) The level of effort to be expended on the treatment of each property, including methods of sampling, i.e., sample size, and rationale for specific sample unit selection.
- (5) Data management and dissemination methodologies, including a proposed schedule of reports.
- (6) Monitoring and discovery plan provisions.
- (7) In New Mexico, the identification of specific non-site areas that have a high potential for buried cultural deposits and the level of effort proposed to determine whether intact, buried cultural deposits are present and the strategy that will be followed for the recovery of data from such deposits
- (8) Qualifications of management and field supervisory personnel.
- (9) Methods and procedures consistent with 36 CFR 800.13 and the *Native American Graves Protection and Repatriation Act (NAGPRA)*, for the expeditious and thorough recovery, treatment, and disposition of human remains, associated funerary objects and sacred objects that reflect any concerns and/or conditions, identified as a result of consultations between the BLM and Indian tribes
- (10) A list of project-specific permits that have been secured and those that are pending.
- (11) A strategy for a public outreach program to disseminate information about the results of the cultural resource work to the general public. This program may include the following: a short report written specifically for the public, a brochure, exhibits for use at public outreach venues such as archaeology awareness fairs, slide or PowerPoint presentation, or a traveling museum exhibit.

c. The Applicant shall submit the draft Treatment Plan to the BLM for initial review and comments. The BLM shall provide the SHPO and other consulting parties within each state a copy for review, requesting comments on the adequacy of the proposed treatment measures. These parties will have 30 calendar days to review and comment on the plan. If no comments are submitted to the BLM within the 30 day review period, concurrence with the draft Treatment Plan will be assumed.

d. If any Indian tribes or other Native American groups have expressed concerns about effects on properties to which they ascribe traditional religious and cultural importance, BLM shall consult with them and the appropriate SHPO about possible measures to resolve the adverse effects and ensure that those measures are properly considered in the development of the Treatment Plan.

e. The BLM shall consolidate the comments from consulting parties in each state and advise the Applicant of necessary revisions to the draft Treatment Plan. The BLM shall ensure that all comments are taken into consideration in finalizing the Treatment Plan and that the revised Treatment Plan is distributed to all consulting parties for a 21 calendar-day review period (30 days for the Texas SHPO) prior to approval by the BLM. The BLM will notify the Applicant when the final Treatment Plan has been approved.

(1) During the Treatment phase, if deviations to the approved plan are warranted, then prior to implementation, proposed deviations from the Treatment Plan will be submitted to the BLM for review.

The BLM shall provide copies of the proposed deviation to the appropriate SHPO and land manager within the respective state for a 15-calendar day review (30 days in Texas). The BLM shall consider comments received within the review period and shall determine the adequacy of the proposed deviation. The BLM will notify the Applicant when the deviation has been approved.

f. The BLM shall ensure that all measures in the Treatment Plan area carried out, including data recovery and analyses of recovered materials. The Applicant shall provide the BLM a preliminary summary of treatment completed at each site. The preliminary summary will include a brief characterization of each site. The preliminary summary will include a brief characterization of site assemblage/contents, the types of analyses yet to be completed, and a brief description of how the provisions of the Treatment Plan were implemented.

g. The BLM shall review the preliminary summary of each site and provide a copy to the appropriate SHPO and all other signatories for review, requesting comments within 15 calendar days (30 for Texas). The BLM shall consider comments submitted during the review period and shall consult with the appropriate reviewers(s) to resolve differences and/or disagreements. If no comments are received within the 15 calendar-day review period, concurrence with the adequacy of the treatment described in the preliminary summary will be assumed.

h. The BLM shall ensure that the Applicant prepares a draft Treatment Plan Report that incorporates the results of all the site-specific preliminary summaries into a comprehensive regional overview that can be address separately to each state.

i. The BLM shall review the draft Treatment Report and provide a copy to the appropriate SHPO and other consulting parties for a 30 calendar-day review and comment period. The BLM shall consider the comments received during the review period and shall consult with the appropriate reviewers(s) to resolve differences and/or disagreements. If no comments are received with 30 calendar days, concurrence with the adequacy of the Treatment Report will be inferred.

j. The BLM shall ensure that the Applicant prepares a revised draft Treatment Report that considers comments received on the draft Treatment Report. The BLM shall review the revised draft Treatment Report and provide copies to the appropriate SHPO and other consulting parties for a 30 calendar-day review period. The BLM shall consider comments submitted during the review period and shall consult with the appropriate reviewers(s) to resolve differences and/or disagreements. If no comments are received within 30 calendar days, concurrence with the adequacy of the final Treatment Report will be assumed. The BLM shall notify the Applicant when the final Treatment Report has been accepted.

5. Authorization of Construction

a. Upon the BLM's acceptance of the final Inventory Report for each state described in stipulation 2, the BLM may, at its discretion, and pending compliance with all other applicable laws and regulations, authorize the Applicant to begin construction on lands under any ownership or jurisdiction, subject to the appropriate jurisdictions' right-of-entry and right-of-way requirements, where there are no cultural properties eligible for inclusion in the NRHP, or where all effects to properties eligible for inclusion in the

NRHP will be avoided. Such authorization shall not preclude consideration of alternatives for treating historic properties in other segments.

b. Following acceptance of the preliminary summary described in stipulation 4g, the BLM may, at its discretion, and pending compliance with all other applicable laws and regulations, authorize the Applicant to begin construction on lands under any ownership or jurisdiction, subject to the appropriate jurisdictions' right-of-entry and right-of-way requirements where provision of the Treatment Plan have been implemented.

6. Discoveries during Construction

a. The Treatment Plan will include provision for monitoring and for responding to discoveries of cultural resources during construction. As part of the Treatment Plan, the BLM shall ensure that the Applicant provides qualified archaeologists to monitor all new ground disturbing activities within the boundaries of previously or newly recorded sites that are NRHP-eligible because of a potential for buried cultural investigation of consultation as having such potential.

b. If previously undocumented cultural resources are discovered during construction, the Applicant shall ensure that all surface-disturbing activities within 100 feet of the discovery immediately cease and that measures are taken to protect the cultural resources. The Applicant shall notify the BLM of the discovery within 24 hours. The BLM shall immediately notify the appropriate SHPO and any other agency having jurisdiction over the land involved. If the discovered cultural resource is subsequently identified by an Indian tribe a property of traditional religious and cultural importance, the Applicant shall assist the BLM in consulting with the appropriate tribe.

c. Treatment of the discovered cultural resources shall be consistent with the Treatment Plan developed pursuant to the Stipulation 4 of the Agreement and shall consider NRHP eligibility of the resource in accordance with 36 CFR 800.13(c). Once the BLM determines that the approved treatment has been completed, the Applicant may resume construction upon receiving authorization from the BLM. The BLM shall ensure that the results of such treatment efforts are reported in the final Treatment Report for the Project.

e. If human remains or funerary objects are discovered, the Applicant shall immediately cease construction in the area of discovery, protect the human remains and funerary objects, and notify the BLM. The BLM shall notify the appropriate land-managing agency, local or tribal government as well as the appropriate state authorities for nonfederal or non-tribal lands.

f. General provisions for the treatment of discovered Native American human remains and funerary objects what be described in the Treatment Plant. Specific provisions for treatment and disposition of Native American human remains and funerary objects shall be determined on a case-by-case basis in consultation with the appropriate SHPO, the land manager, the BLM, the culturally affiliated tribe(s), and lineal descendants.

g. Native American human remains and funerary objects discovered on state or private lands shall be treated under provisions of applicable state laws.

(1) In New Mexico, the Applicant shall report the discovery of human remains to the BLM and local law enforcement, and treat such discoveries of human remains consistent with §18-6-11.2 of the *Cultural Properties Act NMSA, 1978*.

(2) In Texas, the Applicant shall report discovery of human remains to the BLM, and shall treat such discoveries consistent with *Title 9, Chapter 191 of the Texas Antiquities Code*.

i. Native American human remains and funerary objects discovered on federal or tribal lands shall be treated in accordance with the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations found at 43 CFR Part 10.

j. Once the BLM has verified that the requirements of NAGPRA or state laws governing nonfederal and nontribal lands have been met, the BLM may authorize the Applicant to proceed with construction.

7. Curation

a. The Applicant shall arrange curation agreements with repositories approved by the BLM. The BLM shall ensure that all artifacts and records resulting from the inventory and treatment program are curated in accordance with 36 CFR Part 79, except as determined through consultations with Indian tribes carries out in accordance with federal and state laws pertaining to the treatment and disposition of Native American human remains and funerary objects.

(1) Artifacts collected on Fort Bliss shall be curated at the Fort Bliss Curatorial Facility.

(2) All artifacts recovered from lands owned, controlled or operated by the State of New Mexico, including associated records and documentation shall be curated at the Museum of New Mexico, Museum of Indian Arts and Culture.

8. Dispute Resolution

a. Should any party to this Agreement object in writing within 30 days after notification of any determination made by the BLM under the provisions of this Agreement, BLM shall consult with the objecting party and the appropriate SHPO, to resolve the objection. This includes objects regarding BLM's determination of the Area of Potential Effect, determinations of NRHP eligibility, and treatment. Regardless of whether an objection has been received, the BLM shall immediately notify all signatories if it determines that the provisions of this Agreement have been violated.

b. The BLM shall forward all documentation relevant to the objection to the Advisory Council on Historic Preservation (ACHP). Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options.

(1) Advise the BLM that the ACHP concurs in the proposed response to the objection,

(2) Provide the BLM with recommendations which the BLM shall take into account in reaching a final decision, or

(3) Notify the BLM that it will comment pursuant to 36 CFR 800.7(c) (1), and proceed to comment. The BLM shall take into account any Council comment made under this provision and will follow the guidelines outlined in 36 CFR 800.7 (c) 4) (i-iii).

(4) Any recommendation or comment provided by the Council will pertain only to the subject of the dispute. The BLM's responsibility to carry out actions under this Agreement that are not the subject of the dispute will remain unchanged.

10. Amendments and Termination

(a) Any Signatory to this Agreement may request that it be amended by informing BLM in writing of the reason for the request and the proposed amendment language, whereupon BLM shall inform the other signatories and request their views concerning the proposed amendment. All signatories must agree to the amendment before it shall take effect.

(b) Any Primary Signatory to this Agreement may terminate it by providing 30 calendar days written notice to the other Signatories, provided that the Signatories consult during the 30 calendar-day period prior to termination to seek agreement on amendments or other actions that would avoid termination.

(c) In the event that this Agreement is terminated the BLM shall comply with 36 CFR 800.3 through 800.7 with regard to individual actions covered by this Agreement.

11. Term of the Agreement

This Agreement shall be null and void if its terms are not carried out within 3 years from the date of its execution, unless the Primary Signatories agree in writing to an extension.

Execution and implementation of this Agreement evidences that the BLM, as lead federal agency, has satisfied its Section 106 responsibilities with regard to the Magellan Refined Petroleum Products Strauss Pipeline Project.

ATTACHMENT 1

PROJECT DESCRIPTION

Pipeline Segment:

This Project Description section describes the location of the proposed pipeline and ancillary facilities in relation to the existing facilities and pipelines, adjacent highways, railroads and rivers. The mileposts referenced are the approximate miles from the Magellan El Paso Junction facility, along the new pipeline alignment. The mileposts listed are for reference only and will not correspond to the existing pipeline mileposts.

The new 8-inch pipeline will begin (Milepost 0.0) at the Magellan El Paso Junction (also known as Diamond Junction), at the point where the pig receiver is currently located for what was known by Magellan as the Kinder Morgan 8-inch pipeline. This pig receiver and several of the existing valves will be relocated to the Strauss end of the new pipeline. The new 8-inch pipeline will generally travel north, then northeast under Purple Heart Memorial Highway, also known as TX 375, then northward paralleling the east side of the existing pipelines, to approximate MP 1.38. At this point the new 8-inch pipeline will turn northeastward and parallel the existing pipelines, but now along the northwest side of the existing pipelines, to approximate MP 1.78. At this point the new 8-inch pipeline will turn north and then northwestward and parallel the existing pipelines, along the west side of the pipelines, through the Ft. Bliss tank trails area, to approximate MP 6.1, which is just east of Railroad Drive and the railroad tracks.

At this location, the new 8-inch pipeline will be routed under the existing pipelines, Railroad Drive and railroad tracks, to approximate MP 6.24 on the west side of Railroad Drive. At this point the new 8-inch pipeline will enter a large pipeline corridor, and parallel the existing pipelines in a northwesterly direction. The new line will be laid in an open space between a One OK pipeline and an El Paso pipeline, to approximate MP 7.71. At this location the new 8-inch pipeline will cross under the entire pipeline corridor to the southwest side of the corridor, to approximate MP 7.82. The new 8-inch pipeline will now generally parallel the existing Kinder Morgan and El Paso pipelines, along the southwest side of the existing pipelines, to approximate MP 19.48. At approximate MP 12.90 the pipeline crosses from Texas into New Mexico.

At MP 19.48, the new 8-inch pipeline turns southward and parallels El Paso pipelines, along the west side of the existing pipelines, to approximate MP 22.49. At approximate MP 20.75 the pipeline crosses from New Mexico into Texas. At approximate MP 22.49, the new 8-inch pipeline turns west and is no longer paralleling existing pipelines. The pipeline travels west through industrial areas and farming areas to approximate MP 25.4, where it will begin a horizontal directional drill to go under the Rio Grande River. The river crossing pipe will end at approximate MP 25.7, and the pipeline will continue west. At approximate MP 27.10 the pipeline crosses from Texas into New Mexico. At MP 29.31 the farming area ends and the new 8-inch pipeline turns southwestward.

At approximate MP 32.4 the new 8-inch pipeline turns south and parallels an existing MNGCO pipeline, along the west side of the existing pipeline, to approximate MP 36.06. At approximate MP 36.06, the new 8-inch pipeline will turn west and end at approximate MP 36.61. This will be the end of the new 8-inch pipeline and the pipeline will connect to the relocated pig receiver and valves from El Paso Junction. This location is within the Union Pacific Intermodal Facility, in Strauss, New Mexico.

Major road crossings and other features are at these approximate mile posts on the new 8-inch pipeline:

El Paso Junction	MP 0.0
Purple Heart Memorial Highway (TX 375)	MP 0.15
Railroad Drive	MP 6.22
Dyer Street	MP 6.75
Gateway Blvd. (US 54)	MP 7.93
FM 2637	MP 9.82
McCombs Street (FM 2529)	MP 10.04
Above Grade Valve site	MP 11.15
Stan Roberts Sr. Avenue	MP 11.26
War Road (FM 3255)	MP 12.67
Texas-New Mexico State Line	MP 12.90
E. O'Hara Road (RS-1125, NM 404)	MP 17.27
E. O'Hara Road (RS-1125, NM 404)	MP 19.72
New Mexico-Texas State Line	MP 20.75
Interstate 10	MP 23.64
Dolphin Drive (US 80)	MP 24.93
Rio Grande, El Paso, Santa Fe Railroad	MP 24.96
Above Grade Valve site	MP 25.3
Rio Grande River	MP 25.53
Above Grade Valve site	MP 25.7
Vinton Road	MP 26.33

Texas-New Mexico State Line	MP 27.10
NM 28	MP 28.03
Alvarez Road	MP 29.26
County Road A020	MP 32.46
End of New 8-inch Pipeline	MP 36.61

Ancillary Facilities:

There will be three above grade valve locations at the approximate mile posts shown in the list above. At the above grade valve locations, the new 8-inch pipeline will be brought above grade and motor operated valves will be installed that will be able to be closed and opened by the pipeline operations control center located in Tulsa, OK. At MP 11.15 and MP 25.7, check valves will also be installed that will not require motor operation or remote operation.

The pipeline will be protected by a cathodic protection system its entire length and there will be cathodic test connections periodically along the planned alignment. These are typically located at easily accessible areas near existing roads.

There will also be pipeline marker signs all along the new 8-inch pipeline, indicating the pipeline's location.

There will be no new pump stations built for this pipeline.

Description of Construction Activities:

Permanent easements will be 50 feet wide where possible, with 25 feet wide temporary construction workspace or easement. Some areas along the right-of-way (ROW) will require temporary workspace wider than the 75 feet to allow for staging materials or use of larger construction equipment, especially at highway, railroad, canal or river areas where Horizontal Directional Drilling (HDD) methods will be utilized. For longer HDD sections, a 150 foot wide temporary easement area will be requested. A 150 foot wide area along the entire project was examined for cultural and biological resources. Construction activities will include brush clearing, surface grading, cut and fill, potholes to locate underground utilities, excavation of the pipeline trench, pits for bores and horizontal directional drilling, pipe stringing, welding, testing, backfilling, cleanup, and re-vegetating the ROW.

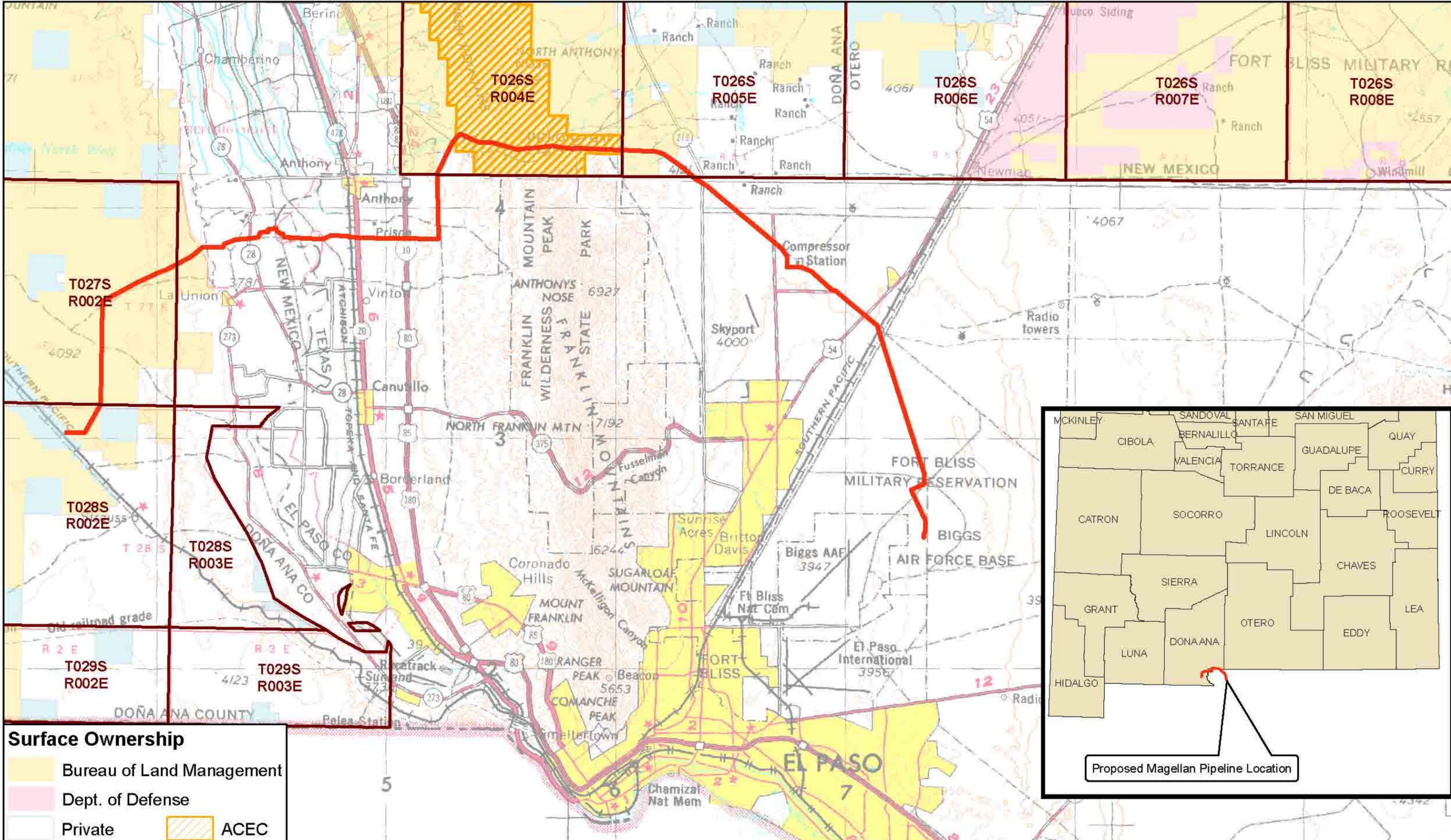
Following is the typical construction/pipeline installation activities that will be applicable to the entire project.

1. Survey and stake the pipeline centerline and the permanent and temporary right-of-way (ROW) boundaries.

2. A right of way crew comes in and installs temporary gates in fences, temporary access roadways, and clears the ROW of obstructions.
3. The pre-coated pipe is then hauled in and strung along the ROW where needed. Pre-bent pipeline bends are also placed along the ROW. Small bends will be field bent.
4. Trenching equipment is then brought in to dig the trench. For this 8-inch pipeline, the trench width will be approximately 18 inches wide. The ditch will be excavated using trenchers and tracked and/or wheeled backhoes. Vacuum excavation or hand digging will be utilized to locate buried utilities, other pipelines, cables, waterlines, sewer lines, etc. Blasting will not be utilized on this project. Topsoil will be segregated from the lesser quality trenched material for placement back on top of the trench.
5. The minimum cover depth will be 48 inches over the top of the pipe.
6. Water trucks will be used for dust control when needed.
7. Equipment and work crews will come in and follow the alignment, welding the pipe joints and bends together.
8. The field welds will be 100% X-rayed. Weld repairs will be made as needed.
9. The weld joints will be field coated for cathodic protection.
10. The entire pipeline will be examined to determine if the cathodic protection coating needs repair prior to lowering in to the trench and backfilling.
11. The pipeline is then lowered into the trench and backfilled with proper backfill material. A 6 inch wide plastic warning tape is placed 12 inches below grade in the backfill above the pipe centerline.
12. River, road, canal and railroad crossings will be drilled with a horizontal directional drilling (HDD) machine. This will minimize disruptions to local traffic and pavement issues.
13. While the areas are being drilled, the heavier wall pipe joints with abrasion resistant coating will be welded together, X-rayed, coating checked, and field joints protected with abrasion resistant coating.
14. The pipe spool for the HDD will be hydrotested for 4 hours prior to pulling into the drilled crossing.
15. When the drilling is completed and pipe spool has completed its pretesting, the drilling machine will pull the pipe spool back through the drilled crossing.
16. Both ends of the drilled crossing will then be welded to the adjacent trenched-in pipe sections.
17. At the above grade valve locations, the pipe will come above grade and valves will be installed. The other facilities at the valve station will also be installed.
18. After all of the pipe has been installed, drilled crossings installed, and above grade facilities installed, the pipeline will be hydrotested for 8 hours.
19. As part of the filling process, a sizing plate will be run through the pipeline to verify the cross section of the new pipeline and that no obstructions are present.

20. After a successful hydrotest, the water will be drained out and the pipeline will be dried out with drying pigs until no free water is present.
21. As the pipeline construction is completed along the ROW, the ROW will be cleaned up, re-graded, and re-vegetated as required by the various landowners.
22. When all ROW work has been completed, the temporary access roads and gates will be removed where requested and the ROW returned to its original condition.

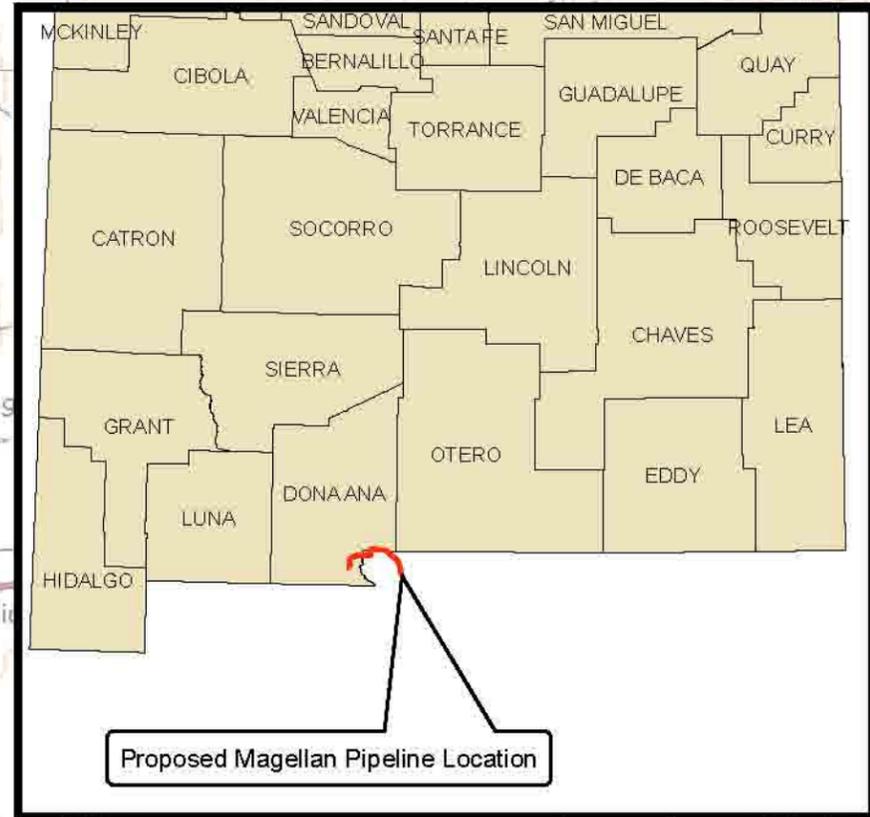
ATTACHMENT 2



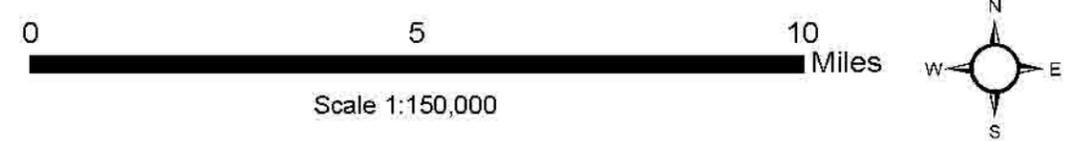
Surface Ownership

- Bureau of Land Management
- Dept. of Defense
- Private
- State
- State Game & Fish
- ACEC

Magellan Pipeline Route



Magellan Pipeline Proposal
 BLM Serial Number NMNM127115
 April 2012



ATTACHMENT 3 – STANDARDS FOR CONDUCTING AND REPORTING WORK

1. The Fort Bliss Directorate of Environment will be responsible for monitoring activities associated with the project on Fort Bliss, Texas.
2. The BLM will be responsible for monitoring activities associated with this project on all other jurisdictions.
3. The BLM will conduct a pre-field inspection of a portion of the proposed right-of-way to assure that the 75 foot-wide temporary work space is adequately defined either by reference to a staked centerline, or by reference to a fixed linear feature, such as the Magellan Pipeline right-of-way.
4. Following completion of the Class III, Intensive Inventory, the BLM will select a representative sample of sites recommended as eligible for nomination to the NRHP, as well as a sample of sites recommended as not eligible for nomination to the NRHP, and conduct On-site inspections to determine conformance with 36 CFR 800.4, *Identification of Historic Properties*.
5. Standards for Conducting and Reporting Work
 - a. The BLM shall ensure that all work performed under this Agreement meets, at a minimum, the *Secretary of the Interior's Standards and Guidelines for Archaeological and Historic Preservation* (48 CFR 44716-44742, September 23, 1983) (The Secretary's Standards) and takes into consideration the *Council's Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*, May 1999, and *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, National Register *Bulletin 38*, 1989.
 - b. The BLM shall ensure that all Section 106 compliance activities carried out in accordance with this Agreement are conducted under the direct supervision of qualified professionals meeting the Secretary's Standards as described in 48 CFR 44738, or in the *Procedures for Performing Cultural Resource Fieldwork on Public Lands in the Area of New Mexico BLM Responsibilities*, BLM Manual Supplement H-8100-1, Chapter four, as applicable.
 - c. The BLM shall monitor activities pursuant to this Agreement. Terms and Conditions of monitoring activities are described in Attachment 3. Should the Applicant or its cultural resources contractor fail to comply with any provision of this agreement, the BLM may, at its discretion, counsel the Applicant and/or its cultural resources contractor regarding performance requirements, or suspend the permit under which this Agreement is executed.

Such suspension would result in the issuance of a "stop work" order for the entire Project.
 - d. In Texas, all activities and documentation shall conform to specifications and guidelines contained in the *Texas historical commission, Rules of Practice and Procedure for the Antiquities Code of Texas*, Chapter 26, and *Texas Historical Commission, Archaeological Survey Standards for Texas*, and the *Council of Texas Archaeologists, Guidelines for Cultural Resource Management Reports*.

e. In New Mexico, all activities and documentation shall conform to specification and guidelines contained in *Procedures for Performing Cultural Resource Fieldwork on Public Lands in the Area of New Mexico State BLM Responsibilities*, BLM Manual Supplement H-8100-1. All activities and documentation of state land shall be consistent with the appropriate state standards found in rules 4.10.8 NMAC, *Permits to Conduct Archaeological Investigations on State Land*; 4.10.15 NMAC, *Standards for Survey and Inventory*; 4.10.16, *Standards for Excavation and Test Excavation*; and 4.10.17 NMAC, *Standards for Monitoring*.

f. In New Mexico, the Applicant shall ensure that its cultural resources contractor obtains a Project-specific excavation permit or other appropriate permit from the Cultural Properties Review Committee prior to excavating sites on NMSLO lands (form S-08) or on other lands owned or controlled by the State of New Mexico (form SP2) pursuant to § 18-6-50 of the *Cultural Properties Act NMSA 1978*. The Applicant shall ensure that its cultural resources contractor obtains a permit prior to excavating unmarked human burials or conducting mechanical excavation of archaeological sites on private land in the State of New Mexico pursuant to § 18-6-11.2 of the *Cultural Properties Act NMSA 1978*. In Texas, the Applicant shall ensure that its cultural resources contractor adheres to all stipulations contained in *Title 9 Chapter 191 of the Texas Antiquities Code* addressing qualifications of personnel and treatment of historic properties and artifacts, and shall obtain all applicable permits prior to project authorization.

g. The Applicant shall ensure that its cultural resources contractor provides all personnel (including new, added, and replaced personnel) involved in pipeline construction, construction zone rehabilitation, operation and maintenance of this pipeline with instruction, to a degree commensurate with their involvement in the Project, on site avoidance and protection measures, including information on the statutes protecting cultural resources.



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
Las Cruces Regulatory Field Office
505 S. Main St. Suite 142
Las Cruces, New Mexico 88001
(575)-556-9939

May 15, 2012

REPLY TO
ATTENTION OF:

Regulatory Division
New Mexico/Texas Branch

SUBJECT: Action No. SPA-2012-00199-LCO, Magellan Strauss Pipeline

Mr. Derek Blackshare, P.E.
Blackshare Environmental Solutions
CEO & President
5121 South Wheeling Ave.
Tulsa, Oklahoma 74105

Dear Mr. Blackshare:

The U.S. Army Corps of Engineers (Corps) is in receipt of your letter dated May 3, 2012 concerning a proposal by Magellan to construct a pipeline beginning at latitude 31.663567, longitude -106.340299, on Fort Bliss, El Paso County, Texas, and ending at the Strauss facility, end point location at latitude 31.897238, longitude -106.734081, in Dona Ana County, New Mexico. The activity involves constructing approximately 37 miles of pipeline and directional boring the pipe underneath the Rio Grande. Construction will also include other directional borings and trenching in ephemeral drainages along road right-of-ways and upland sites. We have assigned Action No. SPA-2012-00199-LCO to this activity. To avoid delay, please include this number in all future correspondence concerning this project.

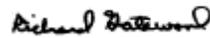
We have reviewed this project in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA). Under Section 404, the Corps regulates the discharge of dredged and fill material into waters of the United States, including wetlands. The Corps responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, we have determined that directional boring will not involve any of the above activities; therefore Department of the Army authorization is not

required for directional boring. However, trenching through ephemeral drainages is authorized by Nationwide Permit 12 Utility Line Activities. If discharges result in the loss of less than 1/10-acre of waters of the United States per crossing, the work can be performed under a non-reporting Pre-Construction Notification (PCN).

The Corps based this decision on a preliminary jurisdictional determination (JD) that there may be waters of the United States on the project site. Preliminary JDs are advisory in nature and may not be appealed. An approved JD is an official Corps determination that “waters of the U.S.” and/or “navigable waters of the U.S.” are either present or absent on a particular site. An approved JD precisely identifies the limits of those waters on the project site determined to be jurisdictional under the CWA or RHA. If you wish, you may request that the USACE reevaluate this case and issue an approved JD. If you choose to begin work prior to receipt of the approved JD, you do so at your own risk. Please contact me if you wish to request an approved JD for this case.

If you have any questions concerning our regulatory program, please contact me at (575)-556-9939 or by e-mail at richard.h.gatewood@usace.army.mil. At your convenience, please complete a Customer Service Survey on-line available at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Richard Gatewood
Regulatory Manager for
Southern New Mexico and West Texas

**APPENDIX
BEST MANAGEMENT PRACTICE**

Draft

BLM STIPULATIONS
October 2012
DOI-BLM-NM-L000-2012-0007-EA

1. Right-of-Way Construction Administration

The Holder shall contact the authorized officer at least seven days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the Holder prior to the Holder's commencing construction and/or surface disturbing activities on the right-of-way. The Holder and/or his representative shall attend this conference. The Holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plan(s) of development.

The Holder shall operate and maintain the facility, improvements, and structures within this right-of-way in strict conformity with the stipulations which were approved and made part of the grant on _____. Any relocation, additional construction, or use that is not in accord with the approved stipulations, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations, shall be made available on the right-of-way area during new construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

The Holder shall designate a representative who shall have the authority to act upon and to implement instructions from the authorized officer. The Holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.

2. Work Limits

The Holder shall conduct all activities associated with new construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.

Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.

The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.

3. Access to and Along the ROW During New Construction

New construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the Holder shall be rehabilitated or maintained when new construction activities are complete as approved by the authorized officer.

The Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

The Holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without visible turnouts, and attached gates for blasting operations.

Specific sites as identified by the authorized officer (e.g. archeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles shall not be allowed shall be clearly marked onsite by the holder before construction or surface disturbing activities begin. The holder shall be responsible for assuring that construction personnel are well-trained to recognize these markers and understand the equipment movement restrictions involved.

4. Use of Right-of-way

Except rights-of-way expressly authorizing a road after construction of the facility is completed, the holder shall not use the right-of-way as a road for purposes other than routine maintenance as determined necessary by the authorized officer in consultation with the Holder.

No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.

Construction excavations, holes and trenches in roadways or in areas where pedestrians or vehicular traffic is present will be flagged, plated or appropriately marked as required.

Materials encountered on the project and needed for select borrow, surfacing, riprap, or other special needs shall be conserved.

5. Maintenance of Right-of-Way

Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation and surfacing.

Water bars would be installed if necessary to reduce soil erosion.

6. Cultural

Any cultural and/or paleontological resource (historical or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation of any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.

7. Paleontological

The Holder shall immediately notify the BLM Authorized Officer of any paleontological resources discovered as a result of operation under this authorization. The Holder shall suspend all activities in the vicinity of such discovery until notified to proceed by the Authorized Officer and shall protect the discovery from damage or looting. The Holder may not be required to suspend all operations if activities can be adjusted to avoid further impacts to a discovered locality or be continued elsewhere. The Authorized Officer will evaluate, or will have evaluated, such discoveries as soon as possible, but not later than 10 working days after being notified. Appropriate measures to mitigate adverse effects to significant paleontological resources will be determined by the Authorized Officer after consulting with the operator. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (1) following the Authorized Officer's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (2) following the Authorized Officer's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

8. Waste Disposal

The right-of-way site shall be maintained in a sanitary condition at all times; waste materials at those sites 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.

9. Air and Dust Control

The Holder shall meet Federal, State, and local emission standards for air quality. The Holder shall furnish and apply water or other means satisfactory to the authorized officer dust control.

10. Fences

The Holder shall minimize disturbance to existing fences and other improvements on public lands. The Holder is required to promptly repair impacted improvements to at least their former state. The Holder shall contact the owner of any improvements prior to disturbing them. When

necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates shall be allowed unless approved by the authorized officer.

11. Signs

No signs or advertising devices shall be placed on the premises or on adjacent public land except those posted by or at the direction of the authorized officer.

12. Industrial and Toxic Waste Disposal

The Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

The Holder of Right-of-Way No. NMNM 127115 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

13. Noxious Weed Control

The holder shall be responsible for weed control on disturbed areas within the limits of the site. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods, which include following EPA and BLM requirements and policy. (See Special Stipulations)

14. Indemnification

The United States, its officers and employees shall be held harmless from and indemnified against any damage, injury, or liability resulting from the construction, operation, or maintenance arising from the occupancy or use of public lands under this authorization.

15. Proof of Construction

The Holder shall file a proof of construction within 90 days after completion of construction. A period of five years from the date the right-of-way is granted is allowed for completion of construction.

16. Termination

Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.

Six months 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. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limit to, removal of facilities, drainage structures, or surface material, re-contouring, top-soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

17. Survey Monuments

The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

18. Civil Rights / Corp of Engineers 404 Permits

The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.

The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.

19. Clearing

Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.

20. Cattle Guards / Fences

Fences, gates, and brace panels shall be reconstructed to appropriate Bureau standards and/or specifications as determined by the authorized officer.

When construction activity in connection with the right-of-way breaks or destroys a natural barrier used for livestock control, the gap, thus opened, shall be fenced to prevent the drift of livestock. The subject natural barrier shall be identified by the authorized officer and fenced by the holder as per instruction of the authorized officer.

21. Proof of Construction

The holder shall file a proof of construction within 90 days after completion of construction. A period of five years from the date the right-of-way is granted is allowed for completion of construction.

Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-GIS Geographic Information System to accurately locate and identify the right-of-way/lease:

Acceptable data formats are:

- Corrected Global Positioning System files with sub-meter accuracy or better, in NAD 83 or WGS84 projection;
- An AUTOCAD dxf file;
- Or ARCInfo export files.

Data may be submitted in any of the following media:

- On a CD ROM, or DVD in compressed or uncompressed format. Compressed or ZIPed data must include a copy of the UNZIP.EXE file on the disk.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact BLM's GIS Coordinator at (575) 525-4300 for questions regarding data or media format questions.

22. Other

In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable

State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

23. Noxious Weed

Power or high-pressure clean all equipment of all mud, dirt, and plants immediately prior to moving into the project area. Any gravel or fill to be used must come from weed-free sources. Inspect gravel pits and fill sources to identify weed-free sources. No soil spoil that could potentially contain noxious weed seeds shall be transported out of the area where it is created.

The project applicants shall be responsible for conducting a survey for and control of noxious weeds along the route proposed for construction. If during construction noxious weeds are identified that were not originally encountered during the survey, the project applicant shall avoid driving vehicles and equipment through or over the infested area. If avoidance measures cannot be taken within the area originally cleared, construction shall cease and the project inspector (PI) or the authorized officer (AO) contacted.

Any use of herbicides/pesticides shall comply with the applicable Federal and State laws. Herbicides/pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, holder shall obtain from the AO written approval of a plan showing the type and quantity of materials to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the AO prior to use.

SPECIAL STIPULATIONS

24. The holder will ensure accurate location of existing buried facilities are identified on the ground prior to any excavation.
25. All construction, operation, maintenance, and termination activities would be in accordance with the Programmatic Agreement dated _____.
26. If any Range improvements (i.e. fences, gates, pipeline, and troughs) are damaged during construction, operation, maintenance, and termination activities, BLM will be notified, and the damaged improvement will be repaired to the original functioning condition, as directed by BLM.
27. Horizontal Direction Drilling activity will occur outside 30 feet from the centerline of Doña Ana County road A-020.
28. If construction operations occur during the migratory bird nesting season (March through August), the construction area would be inspected for nests by a qualified biologist.