

1.0 PURPOSE AND NEED

1.1 Introduction

On November 8, 2005, Overland Pass Pipeline Company LLC (Overland Pass), a subsidiary of ONEOK and William’s Field Service Company, LLC (Williams), submitted an application to the Bureau of Land Management (BLM) to construct an approximately 760-mile-long, natural gas liquids (NGL) pipeline that would begin at its existing facilities in Opal, Wyoming, and end at its existing facilities in Conway, Kansas (**Figure 1.1-1**). The pipeline would be approximately 14-inch-diameter between Opal and Echo Springs, Wyoming, and 16-inch-diameter from Echo Springs, Wyoming, to Conway, Kansas. The pipeline would transport up to 150,000 barrels per day (bpd) of NGL. Three electric pump stations would move the NGL at a maximum pressure of 1,440 pounds per square inch, gauge (psig). Pump stations are proposed near Echo Springs and Laramie, Wyoming, and near WaKeeney, Kansas. The pipeline would have manual or self-actuating shut-off valves at regular intervals, as well as pigging facilities and meter stations. The project is referred to as the Overland Pass Pipeline Project (Proposed Action). Overland Pass would construct the new pipeline within a temporary 75-foot-wide construction right-of-way (ROW). After construction and reclamation, the permanent ROW would be 50 feet wide, centered on the pipeline. The ownership of land crossed by the project is identified in **Table 1.1-1**. Overland Pass proposes to begin construction of the project in July 2007 with an in-service date by the fourth quarter of 2007.

Table 1.1-1 Ownership of Land Crossed by the Overland Pass Pipeline Project (miles)¹

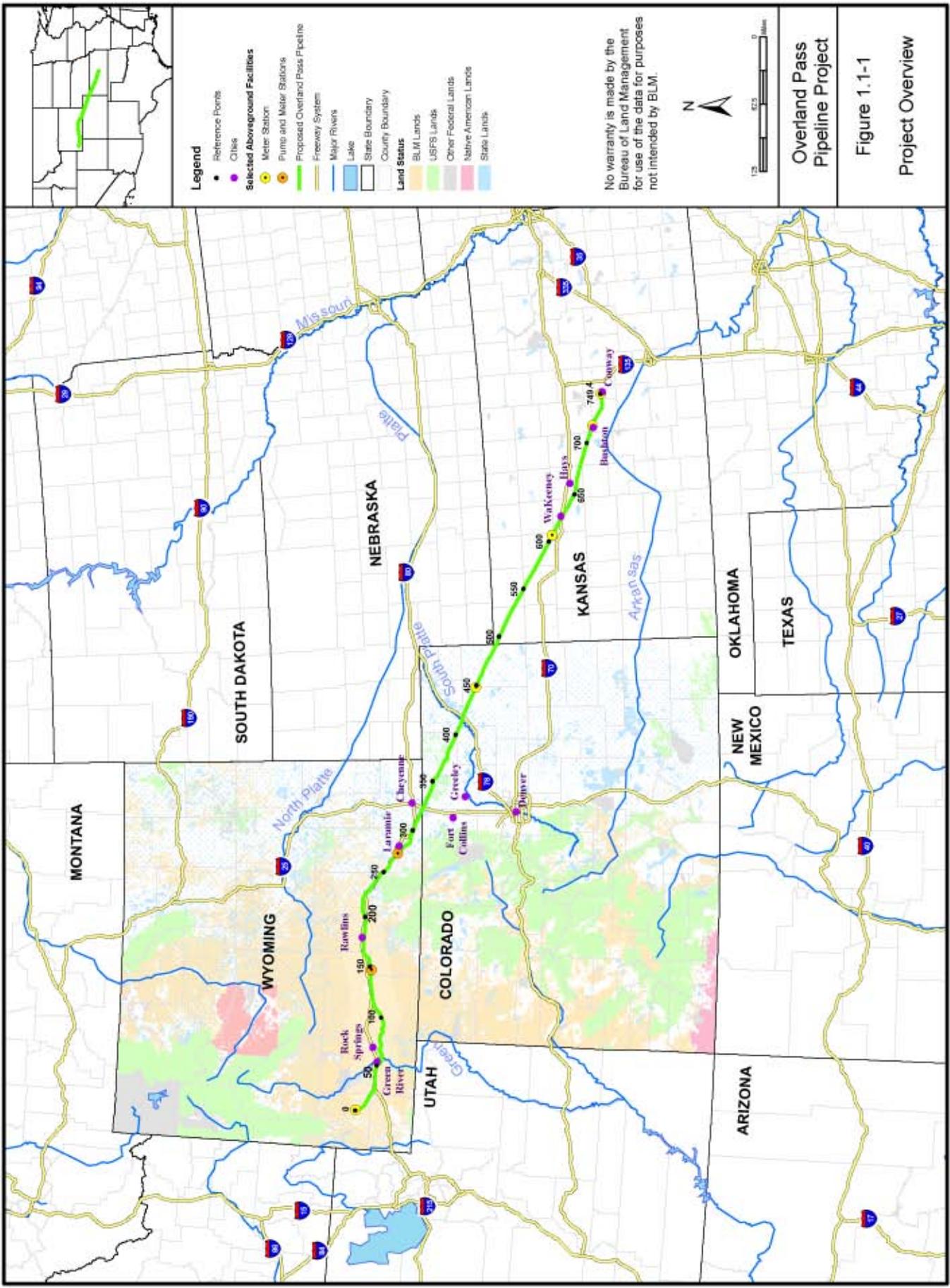
	Federal – BLM	Federal – USFS	Tribal	State	Local	Private	Total
Wyoming	98.8	2.0	0.0	21.4	3.9	201.1	327.2
Colorado	0.0	22.4	0.0	11.3	0.4	137.7	171.8
Kansas	0.0	0.0	0.0	0.0	0.0	260.9	260.9
Pipeline Total	98.8	24.4	0.0	32.7	4.3	599.7	759.9

¹Slight discrepancies in total values due to rounding.

Consistent with federal regulations found at 43 Code of Federal Regulations (CFR) 2804.25, the BLM is required to complete a National Environmental Policy Act (NEPA) analysis before issuing a ROW grant. Due to the nature and scope of the proposed project, the BLM decided to prepare an environmental impact statement (EIS).

Beginning in Wyoming, the proposed Overland Pass proposed pipeline route would traverse the state in a west-to-east direction across the lower half of the state. To the extent feasible, the pipeline would be routed from Opal to Echo Springs along various existing utility or pipeline corridors. From Williams’ existing facilities in Echo Springs, the proposed pipeline route would run in a southeasterly direction, paralleling the existing Southern Star Pipeline, and traverse to the south of Cheyenne, Wyoming, before entering Colorado.

From the Colorado border, the proposed pipeline route would continue southeasterly into Kansas, paralleling the existing Southern Star Pipeline to the south of WaKeeney, Kansas. It would then follow an existing ROW to an existing BP Amoco (Wattenberg) pipeline to Bushton, Kansas. A new ROW would need to be cleared from Bushton to Mitchell, Kansas, where it would then follow a Williams pipeline corridor to Conway, Kansas. At Bushton and Conway, the transported NGL would be processed and distributed through the existing transportation infrastructure to consumer markets in the Midwest and Texas Gulf of Mexico coast. Approximately 82 percent of the proposed 760-mile-long pipeline would be co-located with existing pipeline corridors.



- Legend**
- Reference Points
 - Cities
 - Selected Aboveground Facilities
 - Meter Station
 - Pumps and Meter Stations
 - Proposed Overland Pass Pipeline
 - Freeway System
 - Major Rivers
 - Lake
 - State Boundary
 - County Boundary
 - Land Status
 - BLM Lands
 - USFS Lands
 - Other Federal Lands
 - Native American Lands
 - State Lands

No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.



Overland Pass Pipeline Project

Figure 1.1-1
Project Overview

Overland Pass' proposed pipeline would cross federal lands managed by the BLM and U.S. Department of Agriculture Forest Service (USFS) as shown in **Table 1.1-1**. The BLM is the federal land management agency that regulates and manages public domain lands. The Project would affect public land administered by three BLM field offices in Wyoming: the Kemmerer, Rock Springs, and Rawlins Field Offices. The USFS administers National Forest System (NFS) lands of two units that would be affected: the Flaming Gorge National Recreational Area (FGNRA) in Wyoming and the Pawnee National Grassland (PNG) in Colorado. While the BLM would prepare and issue the ROW grant for the project components sites on federal lands, grant terms and conditions would be included for public and NFS lands.

The Proposed Action also would require the construction of pump stations, meter stations, pigging facilities, as well as the installation of numerous valves. Pump stations would be placed along the pipeline at locations necessary to maintain adequate flow through the pipeline. Meter stations would measure the amount of product transported and delivered by the pipeline. Valves would be installed and located as dictated by the hydraulic characteristics of the pipeline, as required by federal regulations, and with the intent to maximize public safety and environmental protection as part of Overland Pass's integrity management practices. Electrical powerlines would be constructed to provide power for the new pump stations and remotely activated valves located along the proposed pipeline route.

The Overland Pass pipeline would require electrical powerlines and facility upgrades in multiple locations along its route. Local power providers would be responsible for obtaining any necessary approvals or authorizations from federal, state, and local governments for new electrical powerlines and facility construction activities required for the project. The permitting process for the electrical facilities is an independent process and no applications have been submitted for the electrical facilities to date. The construction and operation of these powerlines, however, are considered a connected action under NEPA, and are therefore evaluated within this EIS. The siting and construction assumptions set forth in this EIS would be subject to verification and/or correction by other regulatory agencies upon the agency's receipt of any necessary electrical powerline and/or facility ROW or other permit requests. The electrical powerlines described in this EIS are not included in Overland Pass's ROW Grant application for approval by the BLM.

1.2 Purpose and Need for the Project

NGLs are hydrocarbon liquids that are associated with the production and processing of natural gas. As natural gas production increases, typical NGL production also increases. When natural gas is removed from the ground, it is compositionally different than what is transported through natural gas transmission systems and ultimately used as an energy source for end uses such as home heating and cooking, and industrial energy. When removed from the ground, the mixture is predominately methane, but also includes heavier hydrocarbons and inert gases. Although the mixture can vary greatly, a typical stream may include 85 percent methane, 10 percent heavier hydrocarbons (NGLs), and 5 percent inert gases. Some of the NGLs and inert gases must be removed to make the natural gas salable and transportable.

Currently, existing NGL pipelines are operating at or near capacity. The proposed project would address the needs of producers in Colorado and Wyoming by providing additional NGL pipeline capacity out of the Rocky Mountain region to new and existing markets. Downstream customers would thereby gain access to the Rocky Mountain supply basin. In summary, approval of the proposed Project would meet the mutual needs of producers and downstream customers, and would further federal policy regarding the development of pipeline infrastructure in the Rocky Mountain region.

In addition to being necessary, the removal of NGLs from the natural gas stream also can enhance the value of the components removed. Although only 10 percent of the stream by weight, the NGLs can contribute approximately 15 percent of the energy of the stream. This higher energy content of the NGLs makes them more useful in other applications, such as:

- Ethane – primarily used for the production of plastics;
- Propane – typically used for heating purposes in areas without access to natural gas, but also can be utilized in the production of plastics; and
- Butanes and natural gasoline – primarily used for motor gasoline blending.

Since NGLs must be removed up to a certain level and are often removed in greater quantities for economic purposes, regional NGL production tracks with regional natural gas production. Specifically in the Rocky Mountain region of the United States (U.S.), as natural gas production grows, NGL production also grows.

According to the recently issued *Environmental Assessment for the Mid-America Pipeline Company, LLC (MAPL) Western Expansion Project* (2005), the Rocky Mountain region is a significant contributor to the supply of natural gas in the U.S., producing approximately 25 percent of the U.S. natural gas. Natural gas production in the Rocky Mountains increased 56 percent between 1999 and 2003. Some experts predict that the Rocky Mountain region's gas production could increase from 3.3 trillion cubic feet per year (tcfy) in 2002 to 4.6 tcfy in 2010 and 6.3 tcfy in 2025 (U.S. Department of Energy [USDOE] 2004). Notwithstanding the variance in supply predictions, industry experts agree that production from the Rocky Mountain region would be critical to serving the country's increasing energy needs. Using typical average NGL content (2 gallons per thousand cubic feet) and an average NGL recovery factor (50 percent), this increase in natural gas would produce a significant increase in NGLs that would need to be moved.

The Proposed Action is in the national interest in that it is a major energy facility that would provide significant and much needed NGL transmission capacity. The project would increase the flexibility and reliability of the interstate NGL pipeline grid by offering greater access to NGL supply sources and increased availability of NGL for anticipated projects. As an alternative to the existing MAPL NGL pipeline system, the project would ensure that the increased production of NGLs would reach the market and it would introduce pipeline-to-pipeline competition to the Rocky Mountain markets.

The Proposed Action also would further the interests of national security because it would strengthen the energy infrastructure of the Rocky Mountain area by providing an additional transportation mode for NGLs beyond what currently exists. The Overland Pass pipeline would enhance the reliability and flexibility of the energy infrastructure and security of the NGL supply to existing and new markets.

1.3 Decisions to Be Made

The controlling guidance and source documents for preparation of this EIS include: 1) the Council on Environmental Quality (CEQ) regulations for NEPA (40 CFR Parts 1500-1508); 2) the Resource Management Plans (RMPs) for regional BLM field offices; 3) Forest Management Plans for the PNG and Ashley National Forest (ANF); and 4) Overland Pass' Plan of Development (POD), which describes how and where the project would be constructed and operated and how the ROW would be reclaimed. The decision as to whether the Proposed Action would be authorized would be documented in the Record of Decision (ROD) prepared by BLM. The BLM would require a letter of concurrence from the USFS prior to approval of a ROD affecting USFS-administered land.

1.3.1 Bureau of Land Management

BLM decisions to be made include:

- Whether or not to grant a 30-year ROW to Overland Pass to construct and operate a pipeline and associated aboveground facilities (e.g., pump stations, meter stations, pigging facilities, and valves), including permanent access roads;
- Whether or not to approve temporary workspace areas (TWAs) associated with the construction of the pipeline including the temporary construction ROW, temporary work areas, pipe storage yards, and contractor yards;

- Whether or not to approve the temporary use of access roads associated with the construction of the pipeline; and
- If approved, what terms and conditions and mitigation requirements would be included in the grant authorization.

1.3.2 U.S. Forest Service

The applicant's proposal is dependent on the use and occupancy of lands in the ANF and the PNG. Rather than duplicate NEPA processes and paperwork by considering the potential impacts of the Proposed Action on USFS lands, the USFS is participating as a cooperating agency in the preparation of the EIS.

1.4 Federal Approval Process and Authorizing Actions

In accordance with federal laws governing the management and use of federal lands and laws governing interstate commerce, federal agencies may grant long-term utility uses on federal land, subject to compensation and environmental stipulations. To reach decisions to grant utility uses, the agencies need to: 1) evaluate project conformance with federal land management plans and policies, where applicable; 2) determine whether Overland Pass' committed measures are sufficient to adequately protect the natural and human environment; and 3) decide whether the project is in the public interest after consideration of any significant residual environmental impacts (i.e., after stipulations and mitigation measures have been applied). Projects operating on federal lands also may require additional plans and monitoring. The following sections describe the major federal authorizing actions required for the proposed project to proceed.

1.4.1 Bureau of Land Management

The BLM is responsible for issuing ROW grants across federal lands in accordance with 43 CFR 2880. Specifically, 43 CFR 2881.11 requires a BLM ROW grant for any oil or gas pipeline or related facility that crosses federal land under BLM's jurisdiction or under the jurisdiction of two or more federal agencies. Subpart 2884 describes the application filing, content, processing, and decision steps in granting a ROW under these regulations. With respect to a proposal that would cross multiple federal land management agency jurisdictions, Subpart 2884.26 discusses the granting process when an application crosses lands managed by two or more federal agencies.

Additionally, the BLM has the authority and responsibility under the Mineral Leasing Act (MLA) of 1920, as amended (30 United States Code [USC] Part 185) to grant ROWs for hazardous liquid pipelines and is responsible for imposing stipulations and regulations to protect public safety and the environment. BLM would prepare a ROD to document its decision to either approve or deny the Proposed Action.

If approved, the following documentation would be attached to the ROD and the subsequent ROW grant issued by the BLM, 1) environmental protection measures for federal lands; 2) a concurrence letter or Biological Opinion (BO) from the U.S. Fish and Wildlife Service (USFWS); 3) the Wyoming, Colorado, and Kansas State Historic Preservation Officers (SHPOs) and appropriate consulting parties concurrences with the proposed treatment of cultural resources; 4) additional mitigation measures or permit conditions required by the BLM, USFS, states, and USFWS; and 5) a concurrence letter from the USFS.

1.4.2 U.S. Forest Service

The proposed pipeline ROW traverses a portion of the FGNRA (ANF) in Wyoming and the PNG in Colorado. These areas are administered according to federal laws, Department of Agriculture regulations, and USFS policy and direction. Specific guidance is found in the Forest Plans, which provides direction, goals, and criteria for management, including standards and guidelines for resource use and land management practices.

The MLA authorizes the issuance of permits and easements for oil and gas pipelines across NFS lands. Agency policy for managing special uses and occupancy of NFS lands is contained in 36 CFR Part 257

Subpart B and in the USFS Manual (FSM), Chapter 2700. FSM 2702 directs USFS officers to manage special uses in a manner that protects natural resource values and public health and safety, consistent with forest plans. It provides a basis for administering special uses according to resource management objectives and sound business management principles.

If there is a decision to approve a ROW grant on NFS lands, the USFS would issue a letter to BLM stating their concurrences. This letter would be referenced within the BLM's ROD. The USFS' concurrence decision would be based on consistency with the established forest plan for the affected National Forests and conformance with all other guidance and mandates.

1.4.3 Advisory Council on Historic Preservation

Section 106 of the National Historic Preservation Act (NHPA), as amended, requires the lead federal agency, BLM, to take into account the effects of its undertakings on historic properties on, or eligible for listing on, the National Register of Historic Places (NRHP). The Advisory Council on Historic Preservation (ACHP) also is afforded an opportunity to comment if there would be adverse effects to NRHP-eligible properties. Historic properties are prehistoric or historic districts, sites, buildings, structures, objects, or properties of traditional religious or cultural importance, that are listed or eligible for listing on the NRHP.

To date, record reviews (i.e., Class I inventories) and field inventories (i.e., Class III surveys) have been completed for the Proposed Action's route as well as the proposed new construction sites and temporary access roads. Information from record searches and field inventories have been compiled into reports. The BLM would continue to consult with each state's SHPO to determine site eligibility for the National Register and the project's effects on historic properties within the Area of Potential Effect (APE). If adverse effects to historic properties cannot be avoided, then a Memorandum of Agreement (MOA) would be developed, which would outline the appropriate measures to mitigate the effect.

In addition to Section 106 of the NHPA, the BLM also is responsible for compliance with the American Indian Religious Freedom Act of 1978 (AIRFA) and Native American Grave Protection and Repatriation Act of 1990 (NAGPRA). NAGPRA would apply if burials or objects of cultural patrimony are affected by the Proposed Action. Compliance with NHPA and AIRFA would require consultation with the Tribes on the effects of the Proposed Action to sites of tribal importance. Such sites include, but are not limited to, archaeological sites, Traditional Cultural Properties (TCPs), and religious sites.

1.4.4 U.S. Fish and Wildlife Service

The USFWS is responsible for ensuring compliance with the Endangered Species Act (ESA). The BLM is responsible for initiating informal consultation with the USFWS to determine the likelihood of effects on federally listed species. Section 7 of the ESA, as amended, states that any project authorized, funded, or conducted by any federal agencies should not "...jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined...to be critical..." [16 USC § 1536(a)(2)(1988)]. The BLM and the applicant as a non-federal party, are required to consult with the USFWS to determine whether any federally listed or proposed endangered or threatened species or their designated critical habitat occur in the vicinity of the proposed project. If, upon review of existing data, the BLM determines that these species or habitats may be affected by the proposed project, the BLM is required to prepare a Biological Assessment (BA) to identify the nature and extent of adverse impact, and to recommend mitigation measures that would avoid the habitat and/or species or that would reduce potential impact to acceptable levels. If, however, the BLM determines that no federally listed or proposed endangered or threatened species or their designated critical habitat would be affected by the proposed project, no further action by the BLM is necessary.

A draft BA with the BLM's findings would be prepared and submitted to the USFWS for review. If the USFWS concurs with the BA's conclusions and finds that the proposed project is not likely to affect a listed species or critical habitat, the USFWS issues a letter of concurrence. If, however, the USFWS finds that the project is likely to adversely affect a listed species or critical habitat, the BLM would be required to request formal

consultation with the USFWS in which the USFWS, in conjunction with the BLM and the applicant, must prepare and issue a BO and incidental take statement prior to the start of construction.

Conclusions on effects to species are described with the EIS text and would be incorporated into conditions or project approval.

1.4.5 Office of Pipeline Safety

The Office of Pipeline Safety (OPS) within the U.S. Department of Transportation (USDOT) is the primary enforcement agency that regulates interstate transportation of hazardous liquids by pipelines, including NGL. Federal regulations governing the construction and safe operation of pipelines are enforced by the OPS.

To comply with federal regulations (49 CFR Parts 194 and 195), Overland Pass would be required to develop a comprehensive Emergency Response Plan (ERP) for their pipeline system and areas of operation. The OPS would need to review and approve Overland Pass' ERP prior to operation.

Additionally, the OPS would conduct regular inspections of pipeline facilities in the future to enforce continual compliance with federal regulations, including the review and approval of Overland Pass' Integrity Management Plan for High Consequence Areas (HCAs).

1.4.6 U.S. Army Corps of Engineers Section 404 Nationwide Permits under the Clean Water Act

Section 404 of the Clean Water Act (CWA) establishes a permit program administered by the U.S. Army Corps of Engineers (USACE) to regulate the discharge of dredge and fill materials into the waters of the U.S., including their adjacent wetlands. This project would be under the jurisdiction of multiple USACE districts. The following Nationwide permits (NWP) may be applicable; NWP 3 for maintenance activities; NWP 12 for utility construction; and NWP 14 for trail/road crossings of wetlands associated with utilities. Overland Pass intends to submit its Section 404 permit applications to the appropriate USACE District offices in 2007.

1.5 Permits and Relationship to Non-federal Policies, Plans, and Programs

Federal, state, or local agencies that have permit, approval, or consultation authority for portions of the proposed project are identified in **Table 1.5-1**. Individual road crossing and road use permits have not been included in this table, since such permits would be a standard requirement in all counties crossed.

Table 1.5-1 Major Permits, Approvals, and Consultations for the Project

Agency	Permit/Approval/Consultations	Agency Action
Federal ¹		
ACHP	Section 106 Consultation, NHPA	Has the opportunity to comment on the undertaking.
U.S. Department of Interior BLM	ROW Grant for the pipeline and all related facilities located on federal land	Consider issuance of a ROW Grant for the portion of the project on federal land.
	Temporary Use Permit for temporary workspace areas and temporary access roads	Consider the issuance of a Temporary Use Permit for the portion of the project on federal land.
USFWS	Section 7 Consultation under the ESA	Consider lead agency finding of impact on federally listed or proposed species. Provide BO if the project is likely to adversely affect federally listed or proposed species, or their habitats.

Table 1.5-1 Major Permits, Approvals, and Consultations for the Project

Agency	Permit/Approval/Consultations	Agency Action
U.S. Department of Agriculture (USDA) USFS	Special Use Permit for Paleontological Resources	Consider approval of the Unanticipated Discovery Plan for Paleontological Resources.
	Letter of concurrence to the BLM from the ANF and the PNG	Consider issuance of Special Use Authorizations for the portion of the project on National Forest System land. Pursuant to Section 28 of the MLA, the BLM has been delegated authority to issue ROW authorizations across all federal lands for projects involving multiple federal jurisdictions with the concurrence from the agency head.
	Biological Report that includes a biological evaluation for threatened, endangered, proposed, and sensitive species and an analysis of effect for management indicator species	Coordinate with the BLM to ensure pertinent information is included in the environmental impact statement, biological report, and biological evaluation.
Natural Resource Conservation Service (NRCS) Wyoming, Colorado, and Kansas	Consultation	Consultation regarding erosion control recommendations, revegetation specifications, and identification of Conservation Reserve Program lands.
U.S. Department of Defense USACE - Omaha District (Wyoming and Colorado) and Kansas City District	Section 404, CWA	Consider issuance of Section 404 permits for working navigable waters of the U.S. and the placement of dredge or fill material into all waters of the U.S., including wetlands.
U.S. Environmental Protection Agency (USEPA) Regions 7 and 8	Section 401, CWA, Water Quality Certification	In conjunction with states, consider issuance of water use and water crossing permits.
	Section 402, CWA, National Pollutant Discharge Elimination System (NPDES)	In conjunction with states, review and issue NPDES permit for discharge of hydrostatic test water and discharge of groundwater associated with construction activities.
	Section 404, CWA (veto power for wetland permits issued by the USACE)	Review CWA. Section 404 wetland dredge-and-fill applications for the USACE with Section 404 veto power for permits issued by the USACE.
	Stormwater Discharge Permit	In conjunction with states, review and issue stormwater permit for activities associated with pipeline and aboveground facilities construction.
State - Wyoming		
Department of Environmental Quality		
Water Quality Division	NPDES Storm Water Permit Program - General Permit for Construction Storm Water Discharge	Consider issuance of a permit regulating discharge of stormwater from the construction work area.
	Water and Wastewater Program - General Permit for Temporary Discharge	Consider issuance of a permit regulating temporary discharges of wastewaters to surface waters of the state associated with hydrostatic testing of pipes, tanks or other similar vessels; construction dewatering, other.

Table 1.5-1 Major Permits, Approvals, and Consultations for the Project

Agency	Permit/Approval/Consultations	Agency Action
Watershed Management Section	Temporary Turbidity Increase Permit	Consider issuance of a permit for temporary increases in turbidity as a result of construction activities.
	Section 401 Certification	Consider issuance of a permit for stream and wetland crossings (blanketed under USACE Section 404 authorization).
State Engineer's Office	Water Appropriation Permit	Consider the issuance of a permit for the use of water for hydrostatic testing.
Wyoming Department of State Parks and Cultural Resources		
SHPO	Consultation under Section 106 of the NHPA	Review and comment on activities potentially affecting cultural resources.
Wyoming Game and Fish (WGFD)	Consultations	Consultations regarding state-listed species.
State - Colorado		
Colorado Department of Natural Resources		
Division of Wildlife	State Listed Species Consultation	Review and comment on activities potentially affecting state-listed species.
	Temporary Use Permit	Consider issuance of a Temporary Use Permit to conduct environmental and engineering surveys.
Colorado Department of Public Health and Environment (CDPHE)		
Air Quality Control Division	Air Pollution Emission Notice	Consider issuance of a permit to construct with the potential for fugitive dust.
Division of Water Resources - Water Quality Control Division	Section 401, CWA, Water Quality Certification	Consider issuance of a permit for stream and wetland crossings (blanketed under USACE Section 404 permits).
	Construction Stormwater Discharge Permit	Consider issuance of a permit regulating discharge of stormwater from the construction work area.
	Construction Dewatering Wastewater Discharge	Consider issuance of a permit regulating dewatering of groundwater from the construction work area.
	Hydrostatic Test Water Discharge Permit	Consider issuance of a permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state.
Division of Water Resources - State Engineers Office	Application for Surface Water Right	Consider use of surface waters for appropriations required for hydrostatic testing.
Colorado Historical Society SHPO	Consultation under Section 106 of the NHPA	Review and comment on activities potentially affecting cultural resources.
Colorado State Land Board	Trust Land Permit	Consider issuance of permit to occupy state-owned land.
State - Kansas		
Kansas Corporation Commission	Certificate of Convenience and Authority to Transport the Business of a Liquids Pipeline Carrier	Certificate to construct pipeline and associated facilities across all land.

Table 1.5-1 Major Permits, Approvals, and Consultations for the Project

Agency	Permit/Approval/Consultations	Agency Action
Kansas Department of Agriculture Division of Water Resources	Permit to Appropriate Water	Consider the issuance of a permit for the use of water for hydrostatic testing.
	Permit for Stream Obstructions and Channel Changes	Consider the issuance of a permit to cross waterbodies.
Kansas Department of Health and Environment (KDHE)		
Bureau of Water	Section 401, CWA, Water Quality Certification	Consider issuance of a permit for stream and wetland crossings (Blanketed under USACE Section 404 Permits).
	Stormwater Discharge Permit	Consider issuance of a permit regulating discharge of stormwater from the construction work area.
	Hydrostatic Test Water Discharge Permit	Consider issuance of a permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state.
Kansas Department of Wildlife and Parks (KDWP)	State Listed Species Consultation	Review and comment on activities potentially affecting state-listed species.
Kansas State Historical Society SHPO	Consultation under Section 106 of the NHPA	Review and comment on activities potentially affecting cultural resources.

¹ Federal agencies also must review the proposed project for consistency with the following Federal Executive Orders (EO): Invasive Species (FR 1999) and Migratory Birds (FR 2001).

1.6 Non-federal ROW Easement Acquisition Process

The private land easement, usually negotiated with the landowner, is the legal instrument used to convey a ROW easement to the pipeline company (Overland Pass). The easement gives the company the right to operate and maintain its pipeline in the permanent ROW and, in return, compensates the landowner for the use of the land. The easement negotiations between Overland Pass and the individual landowner would include compensation for loss of use during construction, loss of nonrenewable or other resources, and the restoration of unavoidable damage to property during construction. Although BLM does not have the legal authority to impose all stipulations on private lands, private landowners may negotiate with Overland Pass through their easement agreements to implement stipulations on their own land.

If an easement cannot be negotiated with the landowner, Overland Pass may acquire the easement needed for pipeline construction under federal and state eminent domain laws prevailing in the affected states. State statutes have been enacted that define the ROW acquisition process on private and non-federal public lands for utilities engaged in interstate commerce.

1.7 Scoping and Public Involvement

1.7.1 Public Involvement

Scoping is a process of actively acquiring initial input from the public and other interested federal, state, tribal, and local agencies to determine the scope of issues to be addressed. It is used to identify key issues related to a proposed action. Information gained during scoping assists the Lead Agency in identifying potential environmental issues, alternatives, and mitigation measures associated with development of the proposed project. The process provides a mechanism for “narrowing” the scope of issues so that the EIS can focus the analysis on areas of high interest and concern.

On March 24, 2006, the Notice of Intent (NOI) for the project was published in the *Federal Register* (FR), which included a project description and BLM contact information. On this same date, the BLM issued a press release that described the proposed project and included information on the scoping meeting dates, times, locations, and BLM contact information. The press release was distributed to Congressional office staff, landowners, various media outlets throughout the project area, and interested groups via mailings and email.

The BLM hosted four public meetings: Hays, Kansas; Greeley, Colorado; Cheyenne, Wyoming; and Rock Springs, Wyoming. The dates, location, and number of attendees at the scoping meetings are provided in **Table 1.7-1**.

Table 1.7-1 Public Scoping Meetings

Meeting Location	Meeting Date	Number of Attendees
Hays, Kansas	April 17, 2006	20
Greeley, Colorado	April 18, 2006	8
Cheyenne, Wyoming	April 19, 2006	14
Rock Springs, Wyoming	April 20, 2006	11

The public meetings were conducted in an open house format. Attendees were provided information about the project and given an opportunity to ask resource specialists questions as well as express their concerns about the project. Applicant representatives were available to assist in answering specific questions regarding the proposed pipeline route. Display boards provided project information and a description of the NEPA process. A computer-aided presentation of the proposed pipeline route assisted in facilitating the exchange of information and answering route-specific questions.

The 45-day public scoping period for the project ended on May 5, 2006. Comments received during the scoping period were compiled into a scoping report, which is available to the public upon request.

BLM received 54 comment submittals (e.g., letter, email) containing 276 comments. Of the total individual comments, private individuals provided 40 comments, of which 33 individual comments were from residences in Arrowhead Springs Subdivision located south of Rock Springs, Wyoming. Additionally, residences of Arrowhead Springs Subdivision submitted a petition with 21 signatures expressing their opposition to the proposed project. Comments also were received from federal, state, and county agencies, non-governmental organizations, and elected officials.

1.8 Issues

Based on comments received during scoping and public meetings, the BLM has identified the following key issues associated with the proposed pipeline construction.

1. Proposed pipeline route and location:
 - Any deviations from existing pipeline ROWs would create new surface disturbance and an additional utility corridor that could adversely affect big game and other wildlife species of concern.
 - The original proposed action had the pipeline located adjacent to the southern boundary of the Arrowhead Springs Subdivision. Residents' concerns include increased vehicle traffic and potential impacts to health and public safety.
 - Other issues for public health and safety include impacts of consolidating pipeline ROW within existing utility corridors.

2. Construction impacts:

- The following resources or land uses could be adversely affected by the pipeline construction: the Cherokee and Overland historic trails, livestock grazing, rangeland, and other vegetation communities.

3. Impacts to water quality and quantity:

- Pipeline construction and location could adversely impact riparian areas, wetlands, fisheries, and streams and rivers including the Green and North Platte rivers. The potential water quality impacts attributable to pipeline construction and operation include sedimentation, channel and bank modification, and water quality degradation due to hazardous material spills or pipeline rupture.
- Use of water for pipeline construction and operations could result in contamination or depletion of the Colorado and Platte rivers. Excessive depletion can impact fisheries, water quality, and available quantities of water for agricultural use and other downstream users.

4. Impacts to threatened and endangered and sensitive species:

- Pipeline construction and location could adversely impact habitat and life cycle activities of threatened and endangered species including: black-footed ferret, burrowing owl, and swift fox. State sensitive species include: ferruginous hawk and western sage grouse.
- Adverse impacts to fisheries: special status and native fish species including flannelmouth sucker and Colorado cutthroat trout.

5. Socioeconomics:

- Pipeline construction and operations would result in beneficial impacts to the local socioeconomic environment of communities.