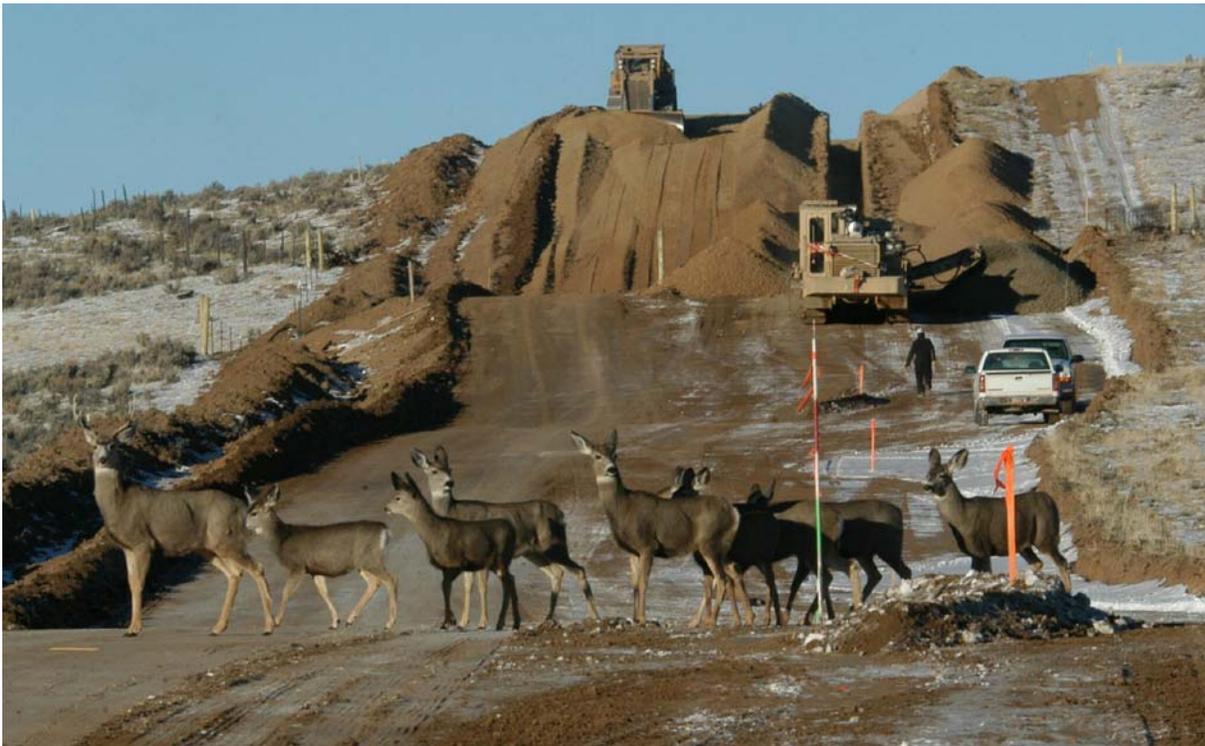


Overland Pass Natural Gas Liquids Pipeline Record of Decision



Bureau of Land Management
Cooperating Agency: U.S.D.A. Forest Service

September 2007



TABLE OF CONTENTS

I. DECISION 2

II. PURPOSE AND NEED 6

III. PROPOSED ACTION AND ALTERNATIVES..... 7

 A. Proposed Action 7

 B. Alternatives..... 9

IV. AUTHORITY..... 10

V. DECISION RATIONALE..... 11

 A. Management Considerations 11

 B. Land Use Plan Conformance/Consistency 11

 C. Public Involvement 13

 D. Environmental Issues 14

 E. Land Use Conflicts 16

 F. Consultation and Coordination 17

VI. APPEALS 18

VII. SIGNATURE..... 19

Appendices:

Appendix A Terms and Conditions of Approval

Appendix B Legal Land Descriptions

Appendix C Table of Committed Mitigation and Recommended Mitigation Measures

Appendix D Biological Opinion

Appendix E Memorandum of Agreement (not including attachments)

Appendix F Overview Maps of the Project

RECORD OF DECISION
for the
OVERLAND PASS PIPELINE PROJECT
WYOMING, COLORADO, KANSAS

I. DECISION

My decision is to grant Overland Pass Pipeline Company, LLC right-of-way (ROW) grant, WYW-166510, and associated temporary use permits (TUPs) for additional temporary workspace, access roads, and staging areas that would allow the construction, operation, and maintenance of the Overland Pass Natural Gas Liquids Pipeline (OPP) project. Overland Pass Pipeline Company, LLC (Overland Pass) is a partnership between ONEOK Overland Pass Holdings and Williams Field Services Company. The ROW would be granted for a 30-year term that is renewable. Associated TUPs would be approved for a three year term. Overland Pass would pay fair market rental for the use and occupancy of all federal lands involved in the project.

The preferred route for the pipeline and the preferred location for the related facilities is the applicant's Proposed Action, as modified by mitigation measures recommended by the Bureau of Land Management (BLM) and the United State Department of Agriculture, Forest Service (FS).

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. The OPP project includes construction of 760 miles of new 14-inch diameter and 16-inch diameter buried natural gas liquids pipeline in Wyoming, Colorado, and Kansas. Federal lands crossed in Wyoming are managed by BLM's Rawlins, Rock Springs and Kemmerer Field Offices and the Flaming Gorge National Recreation Area managed by the FS. Federal lands in Colorado are managed by the Pawnee National Grassland. There are no BLM administered lands in Colorado and there are no Federal lands affected in Kansas.

The OPP project will include the following permanent facilities on Federal land.

1. Approximately 119.93 miles of 14-inch and 16-inch diameter pipeline in Lincoln, Sweetwater, Carbon, Albany and Laramie Counties, Wyoming, and Weld County, Colorado.
2. Eight (8) block and/or check valves,
3. Up to 17.72 miles of ROW on existing access roads to provide a legal right of access to surface facilities (pump stations, meters, valve sites). Note: there is some question about the status and maintenance responsibilities for several long term access road ROW needs identified by Overland Pass. Overland Pass has not conferred with various County Road Use Departments to verify the legal status of these roads and BLM does not want to grant long term ROW grants on road under a Counties jurisdiction. Therefore, BLM will authorize all roads needed for construction on a temporary basis for a three year term. The roads that are needed for long term access to various surface facilities will be verified by Overland Pass with the affected Counties prior to a long-term ROW being granted. In the interim, these roads will be approved for use during construction with a temporary use permit and Overland Pass will verify and if necessary file and application to amend their ROW grant after the pipeline has been constructed and road status information is verified.

In addition to the permanent ROW facilities, Overland Pass would utilize 41.92 miles of existing access roads across federal land on a temporary basis for up a three year term during construction. Overland

Pass has also identified approximately 518.42 acres of additional temporary workspace areas and extra construction width along the pipeline route. These facilities would be authorized under a temporary use permit (TUP) in association with the ROW grant. A detailed list of acreages for all long term ROW and short term TUPs by County is contained at the end of this section in **Table 1**.

The impacts associated with construction of the entire project regardless of land ownership has been addressed in the Overland Pass Pipeline Final Environmental Impact Statement (FINAL EIS), dated August 2007. The BLM has determined that the proposed action analyzed in the FINAL EIS is the preferred alternative. Review of data supplied for the project, field investigations, scoping, literature research, alternatives analysis, and contacts with federal, tribal, state, and local agencies and members of the public indicates the proposed project would result in limited adverse environmental impacts. Throughout the application permitting process, Overland Pass used information derived from interaction with interested parties and data from resource surveys to make refinements to their proposed centerline to mitigate adverse affects. If the project is constructed and operated in accordance with applicable laws, regulations, and mitigating measures, it would be an environmentally acceptable action. Principal reasons supporting this conclusion are:

1. Approximately 623.7 miles of the 759.9 miles of pipeline (82 percent) would be co-located with existing pipeline, utility, or road ROWs. Where the proposed pipeline route would parallel existing utilities, Overland Pass's new permanent ROW would be adjacent to and partially overlap the existing permanent ROW. The new pipeline would generally be installed with a 50-foot offset from the nearest existing pipeline. The ROW would generally be installed within a 75-foot wide construction ROW/TUP with 50-feet (25-feet each side of centerline) as the long term ROW;
2. Additional related surface facilities for block and check valves, pump stations, meter stations, and pigging stations would be constructed within or adjacent to the long term ROW of the proposed pipeline. These facilities were located to the extent possible adjacent to existing natural gas related pipelines and surface facility ROW locations;
3. The project would be consistent with or in conformance with all BLM Resource Management Plans, with FS National Forest Management Plans, and with known State and local land management plans;
4. Overland Pass would implement its Plan of Development (POD) that includes the following site-specific plans: Site specific waterbody crossing plans, Seed Mixes, Transportation Plan, Hydrostatic Test Plan, Emergency Response Plan, Fire Prevention and Suppression Plan, Conservation Measures Plan, Spill Prevention, Containment, and Countermeasure Plan, Blasting Plan, HDD Inadvertent Release Plan, Weed Management Plan, Incised Bank Stabilization Plan, Winter Construction Plan, Stormwater Plan and Environmental Inspection and Compliance Monitoring Plan. When implemented these plans would protect natural resources during construction and operation of the OPP Project;
5. The appropriate consultations with the U.S. Fish and Wildlife Service (FWS) have been completed and the FWS issued a Biological Opinion for the project on September 25, 2007. The FWS Biological Opinion is attached at Appendix D.
6. State Historical Preservation Officers (SHPOs), other affected land management agencies and identified interested parties, and Native American Tribes have been consulted. A Memorandum of Agreement for adverse affects to seven historic sites eligible for inclusion in the National Register of Historic Places has been executed by all involved parties and the Advisory Council on Historic Preservation. The Memorandum of Agreement is attached as Exhibit E; and
7. An Environmental Inspection program and an oversight Federal Compliance Monitoring program are being implemented by Overland Pass and the BLM/FS to ensure: 1) Overland Pass is in

compliance with all mitigating measures addressed in this ROD and carried forward as Terms and Conditions of Approval in the ROW grant, 2) Overland Passes compliance with the approved POD, and 3) the committed mitigation in the FINAL EIS for the project is followed.

The Terms and Conditions of Approval that will be included in the ROW grant authorizing the OPP Project on federal land are listed in Appendix A. A complete list of legal descriptions for all permanent ROW and Temporary Use permits is contained in Appendix B. The committed mitigation measures and recommended mitigation measures from the FINAL EIS are listed in Appendix C. Overland's POD has been written as a general construction guide and contains all mitigation measures regardless of land ownership for the project. With few exceptions, the same mitigating measures applicable to federal land would be applied on adjacent state and private land unless different provisions are spelled out in easement documents for private or state land.

Specifically, this decision affects federal land as follows:

ROW WYW-166510

- 1) Authorize construction, operation, and maintenance of a 14-inch and 16-inch diameter, buried, steel natural gas liquids pipeline across approximately 119.93 miles of federal land administered by BLM and the FS, located in Lincoln, Carbon, Sweetwater, Albany, and Laramie Counties, WY and in Weld County, CO. The ROW width granted for the pipeline would be 50 feet (25 feet each side of the centerline), across 633,235 feet of federal land, containing approximately 726.85 acres. Included as appurtenant facilities for the ROW grant on federal land are 8 block valves, each occupying an area 25 feet by 25 feet within the boundary of the right-of-way.
- 2) Authorize a TUP for the following:
 - a) An additional 25 feet of extra construction width along the entire length of the pipeline ROW (except where the overall construction width is limited to 60 feet wide in wetland and riparian areas, refer to construction drawings for these locations). The TUP for extra construction width is approximately 633,235 feet long and 25 feet wide, containing 363.43 acres.
 - b) In addition to the 25 feet of extra construction width, additional temporary workspace (ATWS) is necessary to safely construct the facilities on steep slopes, at waterbody and wash crossings, road and railroad crossings, truck turnarounds, foreign pipeline crossovers, and contractor staging areas as defined on the final Overland Pass alignment sheets and construction staking drawings made part of the approved POD. The total acreage occupied by temporary extra work spaces is 154.99 acres. Additional work sites are irregularly shaped and vary in size depending on the use and may range from a less than one tenth of an acre up to an acre in size. These ATWS uses and sites are further described in Appendix C, Typical Construction Drawings in the POD, and in Table 2.2-5 of the FEIS.
 - c) Authorize the use of access roads on a temporary basis to transport personnel, equipment, vehicles, and materials to the construction ROW. The access road TUP across approximately 237,223 feet of federal land, 25 feet in width contains approximately 136.15 acres. Locations and classifications of access roads are identified in Appendix F, Access and Transportation Plan in the POD.

Table 1 summarizes acreage calculated by County for the various ROWs and TUPs that are part of this decision.

Table 1. Acreage Calculation for ROWs and TUPs.

County	ROW Pipe-line	TUP 25 feet extra width	TUP ATWS	TUP Access Roads
Lincoln, WY	63.13	31.57	9.31	33.44
Sweetwater, WY	348.61	174.31	87.54	39.96
Carbon, WY	167.00	83.50	39.95	53.02
Albany, WY	13.44	6.72	8.04	0.64
Laramie, WY	0.41	0.21	0.0	0.0
Weld, CO	134.25	67.12	10.15	9.09
TOTAL	726.85	363.43	154.99	136.15

Authorization of ROW grant WYW-166510, and the associated TUP is subject to the Terms and Conditions of Approval contained in Appendix A, including Overland's POD that incorporates the committed mitigation measures from the FINAL EIS. The legal land descriptions for the project are provided in Appendix B of this ROD. Overland Pass has requested a 30-year term for the ROW under the Mineral Leasing Act. TUP's for access roads, extra work space, and additional construction width would be issued for a three calendar year term. The ROW grant would expire on December 31, 2036, unless, prior thereto, the grant is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of the ROW grant or of any applicable federal law or regulation. The ROW grant is renewable. TUPs would be authorized for three calendar years from the date the ROW grant is executed.

Overland Pass will post a performance bond in the amount of \$ Six hundred thousand and 00/100 dollars, (\$600,000.00) to ensure adequate adherence to all terms and conditions. The bond will apply to the following:

1. Restoration and reclamation of disturbed areas and other requirements relative to the construction phase of the project.
2. Liability for damages or injuries resulting from releases or discharges of hazardous materials.
3. Implementation of the Memorandum of Agreement Regarding Adverse Affects to Historic Properties for the project.

The bond may be released as specific tasks are completed and accepted by the BLM and FS. This bond must be maintained in effect until temporary improvements used during construction are removed and restoration and reclamation of the ROW has been accepted by the appropriate land management agency.

Prior to construction or other surface disturbance associated with the ROW grant, and associated TUP, the BLM AO or delegated agency representative will issue written Notices to Proceed (NTPs) - Form 2800-15. NTPs will authorize construction or use only as therein expressly stated and only for the particular location, segment, area, or use described. NTPs issued by the BLM only apply to federal lands or in the case of cultural resources to those resources described in treatment plans as part of the federal undertaking.

The OPP project is a common carrier pipeline as required by the Mineral Leasing Act (MLA), and as such could connect to other common carrier pipelines to deliver product to and from various locations.

The Forest Service has adopted the FINAL EIS per Title 40 CFR Part 1506.3 in considering Overland's application. Under the MLA of 1920, as amended, Section 185(f), the BLM has authority to issue the ROW grant for all federal lands. By the approvals provided from the Forest Supervisor Ashley National Forest and the Forest Supervisor, Arapahoe Roosevelt National Forest and Pawnee National Grassland, the FS concurs in the issuance of a ROW grant across federal lands under their jurisdiction. However, the FS shall administer and enforce the provisions of the ROW grant and TUP insofar as they involve Federal lands under their jurisdiction including approval of any variances and acceptance of restoration and reclamation.

II. PURPOSE AND NEED

The purpose of the proposed OPP Project is to transport up to 150,000 barrels per day (bpd) of natural gas liquids (NLG's) in a pipeline that would begin at existing natural gas processing facilities in Opal, Wyoming, and end at existing fractionating facilities in Conway, Kansas. 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. 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 to periodically clean the pipeline and meter stations to measure volumes.

NLG's 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 (NLG's), and 5 percent inert gases. Some of the NLG's and inert gases must be removed to make the natural gas salable and transportable. Existing NGL pipelines in the region are operating at or near capacity. The Proposed Action 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.

NGL's are typically processed into the following marketable products:

- 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.

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 NLG's 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.

III. PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

Project Description: The Proposed Action, as modified by BLM and FS recommended mitigation measures, contained in the FINAL EIS is the preferred alternative selected by the BLM.

As a part of its OPP Project, Overland Pass proposes to construct and operate 759.9 miles of 14-inch and 16-inch diameter natural gas liquid pipeline in Wyoming, Colorado and Kansas. The pipeline would begin at the existing Opal gas plant and proceed southeasterly toward I-80 near Little America. The pipeline then generally parallels existing pipeline and utility corridors on the south and north sides of I-80 until it extends past Laramie, Wyoming. From Laramie, the corridor veers southeasterly again along the recent Rockies Express pipeline into Weld County, Colorado. The pipeline then generally follows a straight line southeast along the existing Southern Star pipeline across the Pawnee National Grassland and across private lands in eastern Colorado and western Kansas. **Maps 1-4** in Appendix F illustrate an overview of the entire pipeline project.

The delivery points are at existing plant facilities and storage facilities owned by the partners of Overland Pass Pipeline Company, LLC in Conway and Bushton Kansas. **Table 2** lists all the proposed pipeline and related pipeline facilities by reference point. This table includes all facilities regardless of land ownership.

Table 2. Proposed Facilities Associated with the Overland Pass Pipeline Project.

Facility Name ¹	RP	County, State
PIPELINE		
Opal, Wyoming, to Echo Springs Pump Station (14 inches in diameter)	0.0 – 146.5	Lincoln, Sweetwater, and Carbon counties, Wyoming
Echo Springs Pump Station to Conway, Kansas (16 inches in diameter)	146.5 – 749.4	Sweetwater, Carbon, Albany, and Laramie counties, Wyoming; Weld, Morgan, Logan, Washington, Yuma counties, Colorado; Cheyenne, Rawlins, Thomas, Sheridan, Graham, Grove, Trego, Ellis, Russell, Barton, Ellsworth, Rice, McPherson counties, Kansas
PUMP STATIONS		
Echo Springs Pump Station (Two 1,250 International Organization of Standardization [ISO] horsepower [hp] pumps, one is a backup unit)	146.5	Carbon County, Wyoming
Laramie Pump Station (Two 2,000 ISO hp pumps, one is a backup unit)	271.7	Albany County, Wyoming
WaKeeney Pump Station (future) (estimate total of 3,000 ISO hp)	606.0	Sheridan County, Kansas
METER STATIONS		
Opal Meter Station (Receipt – Williams) (interconnect facility sized for receipt of 80,000 bpd of NGL)	0.0	Lincoln County, Wyoming

Echo Springs Meter Station (Receipt – Williams) (interconnect sized for delivery of up to 40,000 bpd of NGL)	146.5	Carbon County, Wyoming
Laramie Meter Station	271.7	Albany County, Wyoming
Washington County Meter Station	447.8	Washington County, Colorado
WaKeeney Meter Station	606.0	Sheridan County, Kansas
Bushon Meter Station (Delivery – ONEOK) (interconnect sized for delivery of up to 109,000 bpd of NGL)	717.5	Ellsworth County, Kansas
Conway Meter Station (Delivery – Williams) (interconnect sized for delivery of up to 109,000 bpd of NGL)	749.4	McPherson County, Kansas
MLVs		
Block Valves #1 to #34 Check Valves #1 to #7	0.0 – 307.4	Lincoln, Sweetwater, Carbon, Albany and Laramie counties, Wyoming
Block Valves #35 to #51 Check Valve #8	322.7 – 488.7	Weld, Morgan, Logan, Washington, Yuma counties, Colorado
Block Valves #52 to #75 Check Valves #9 to #12	493.5 – 749.4	Cheyenne, Rawlins, Thomas, Sheridan, Graham, Grove, Trego, Ellis, Russell, Barton, Ellsworth, Rice, McPherson counties, Kansas
PIGGING FACILITIES		
Opal Plant – Launcher	0.0	Lincoln County, Wyoming
Sweetwater Pigging Facility – Launcher and Receiver	72.1	Sweetwater County, Wyoming
Echo Springs Pump Facility – Launcher and Receiver	146.5	Carbon County, Wyoming
Albany Pigging Facility – Launcher and Receiver	257.9	Albany County, Wyoming
Weld Pigging Facility – Launcher and Receiver	342.7	Weld County, Colorado
Washington County Pigging Facility – Launcher and Receiver	447.8	Washington County, Colorado
Thomas Pigging Facility – Launcher and Receiver	552.9	Thomas County, Kansas
Ellis Pigging Facility – Launcher and Receiver	654.7	Ellis County, Kansas
Bushon Plant (adjacent) – Launcher and Receiver	717.5	Ellsworth County, Kansas
Mitchell Plant – Launcher and Receiver	736.2	Rice County, Kansas
Conway Plant – Receiver	749.4	McPherson County, Kansas

¹ All RP (reference points) are approximate and approximate the mileposts created by Overland Pass when the project was originally designed. Not all RPs are one mile in length as refinements were made to the centerline during processing.

On level and gently sloping ground the nominal construction ROW width would be 75 feet (25 feet on the spoil side and 50 feet on the working side) while on steep terrain and areas with rock, the nominal construction width would be 100 feet (35 feet on the spoil side and 65 feet on the working side) to allow adequate room for stockpiling additional spoil material and to create a level work area for safe equipment operations. Overland Pass has also requested TUP's to authorize ATWS needed at drainage and waterbody crossings, access road and railroad crossings, foreign utility crossings, truck turnaround areas, and staging and storage areas. TUP's would also authorize use of temporary access roads used to access the pipeline ROW during construction phases of the project. These temporary use areas are described in the FINAL EIS. All TUP areas are illustrated on the final environmental alignment sheets that are part of the Overland Pass POD. The POD is used by the BLM and FS to ensure that construction

plans mitigate the resource concerns and, when approved by the Authorized Officer, is a binding condition of the ROW grant.

Overland Pass plans to use existing roads to provide access to the construction ROW. The only new roads to be built would be the access road driveways into Overland's pump stations, pigging stations and other surface facilities on private lands. Overland Pass has acquired permanent access from those landowners as part of their surface use agreements. Overland Pass plans to use existing roads on a temporary basis to transport personnel, heavy equipment, vehicles, and materials to the proposed project work areas. Overland Pass intends to use 525 existing access roads on a temporary basis to transport personnel, equipment, vehicles including high clearance vehicles and heavy trucks, and materials to the work areas. 129 access roads would be used in Wyoming, 110 roads would be used in Colorado, and 286 roads would be used in Kansas. These access roads include Federal and state highways, and numerous county, BLM, FS, and private roads. The Project may involve maintenance to improve drainage and repair damage caused by heavy equipment operating on approximately 119 existing roads to provide a safe and level transportation surface for construction vehicles (61 in roads in Wyoming, 11 roads in Colorado, and 47 roads in Kansas). These existing roads consist mostly of dirt roads, such as farm, ranch, or BLM access roads and two-track trails. All roads would be required to be restored to pre-construction condition after construction is complete. All access roads were inventoried for cultural resources and biological resources in the event maintenance and improvements become necessary during construction of the pipeline.

The temporary use areas and access roads are needed through the construction and restoration phases. Overland Pass has requested all BLM TUPs be approved for a three year term, to allow for satisfactory restoration, unless prior thereto, they are relinquished, terminated, or modified.

B. Alternatives

Alternatives to the proposed action for the OPP Project were considered by BLM and the FS and were addressed in the Overland Pass NGL Pipeline FINAL EIS. Several system alternatives, route alternatives around the Rock Springs, Wyoming area, and local route variations were described and considered but dropped from detailed analysis in the FINAL EIS. The FINAL EIS considered and analyzed in detail the following alternatives including the No Action Alternative.

i. No Action Alternative

Under the No Action Alternative, the BLM would reject the project as proposed and would not issue a ROW grant for the project. Without a ROW grant across federal lands, the Overland Pass pipeline could not be constructed due to the federal land ownership patterns in the region.

Since it is not possible to construct an interstate pipeline without crossing BLM-administered land as proposed, the OPP project could not be constructed. There is an existing pipeline system (Enterprise NGL Pipeline) that is currently operating near its capacity (225,000 bpd). Despite recent upgrades to the Enterprise Pipeline system that would expand the capacity of Enterprise by accommodating up to 50,000 bpd of additional capacity, regional gas development has already outpaced this pipeline capacity.

Since the amount of NLG's being produced in the region is expected to exceed the existing pipeline transportation capacity and given the market values of NGL, alternative proposals to transport or store the NGL likely would be developed. If the project were not approved, other pipeline projects would likely be proposed in the future. Given the market value of the volumes of natural gas liquids being produced in the region, ONEOK, Williams, Overland Pass, or other companies could submit a new ROW grant application to the BLM for a different pipeline route. This would initiate a new and separate NEPA process. To date, the BLM has not received any other NGL transmission pipeline applications in this region, although

Overland Pass recently submitted an application to construct a lateral pipeline from the Piceance Basin in Colorado that would tie into the Overland Pass mainline at Echo Springs.

ii. **Southern Energy Corridor – Copper Ridge Bypass Alternative**

The Southern Energy Corridor – Copper Ridge Bypass Alternative was analyzed as an alternative to the proposed action because the route was identified as a ROW window in the Green River RMP as a preferred location for future ROW facilities. The BLM encourages, but does not require, new linear projects to construct within these windows.

The Southern Energy Corridor diverges from the Proposed Action at approximately RP 62 to avoid new facilities within areas identified by local government as having the potential to accommodate long term growth for the City of Green River. The alternative and follows the Mid-America Pipeline System (MAPL System) from approximately RP 92 to RP 120. In contrast to the Proposed Action, the Southern Energy Corridor – Copper Ridge Bypass Alternative generally follows the MAPL pipeline southeast until it intersects with County Road 430 where the corridor then begins to head back northeast toward Interstate 80 (I-80). The alternative was modified from the RMP planning window where the route climbed the Copper Ridge escarpment. A bypass was created to avoid steep slopes with high slope failure potential by diverging from the MAPL route and rejoining the Proposed Action at approximately RP 87. This skirted the north edge of Copper Ridge on more gently sloping terrain avoiding the steepest slopes and rocky terrain. The Southern Energy Corridor – Copper Ridge Bypass is approximately 4.8 miles longer than the corresponding segment of the Proposed Action and did not end up having unique or outstanding benefits to justify selecting it as the preferred alternative.

IV. AUTHORITY

Section 28(a) of the MLA, as amended (30 U.S.C.185), authorizes the Secretary of the Interior to grant qualified applicants ROWs through federal lands for transporting oil, gas, synthetic liquid or gaseous fuels, or other refined products. The MLA also accommodates TUPs to supplement each pipeline ROW for purposes of constructing, operating, maintaining, and terminating the pipeline, protecting the natural environment, and providing for public safety.

The ROW grant and TUPs will be subject to an environmental inspection and compliance monitoring program that would address requirements placed on the project by the federal and other agencies. Overland Pass proposes to assign Environmental Inspectors (EIs) to each construction spread on federal and non-federal lands. The EIs would likely be hired from a qualified third-party contractor. The responsibilities of the EIs are outlined in Overland Pass' POD and would include ensuring that the ROW Grant and environmental conditions attached to the ROW grant and other permits are met. During the construction phase, Overland Pass' EIs would inspect all construction and mitigation activities to ensure compliance with the requirements of environmental plans, permits, and conditions. EIs would oversee cultural resource monitors and/or biological monitors that may be required to monitor and evaluate construction impacts on resources as specified in this EIS.

In addition to the EI program, Overland Pass agreed to provide funding to implement a third-party compliance monitoring program during construction of the project. The compliance monitoring program would be implemented on federal lands under the direction and supervision of the BLM and FS. The overall objective of the compliance monitoring program is to monitor and document Overland Pass' compliance and/or noncompliance with environmental requirements on federal lands during construction of the project. The environmental requirements to be monitored would be limited to those requirements and conditions that are either located on federal land (BLM and FS) or those conditions that result from a federal permit requirement including:

- The environmental mitigation measures that were proposed by Overland Pass throughout the permitting phase of the project;
- The Overland Pass POD;
- The conditions contained in the BLM ROD and the BLM ROW Grant and Temporary Use Permits;
- The USFWS BO concerning listed endangered or threatened federal species or their habitat; and
- The approved treatment plan(s) and MOA for the treatment and protection of cultural resources.

During construction, full-time Compliance Monitors would conduct daily ongoing inspections of construction activities and mitigation measures and provide regular feedback on compliance issues to the BLM, Overland Pass, and Overland Pass' EI team. Construction progress and environmental compliance would be tracked and documented by the preparation and submittal of daily and weekly reports. In addition, the compliance monitoring program is designed to facilitate the timely resolution of compliance related issues in the field and to review, process, and track construction related variance requests in a timely manner. The Manager of the compliance monitoring program would report directly to the designated BLM Project Manager and USFS Project Manager.

V. DECISION RATIONALE

Below is a discussion of management considerations and rationale for the decision to approve and issue ROW grant WYW-166510 and associated TUP's.

A. Management Considerations

It is the policy of the BLM to: 1) authorize all ROW uses on federal lands in the most efficient and economical manner possible, 2) manage ROW use of federal lands through a system of ROW corridors, 3) maximize the use of performance stipulations through the use of construction, operation, and maintenance plans (POD), and 4) assure to the greatest extent possible that all identified impacts are mitigated and that the terms and conditions of the ROW grant are complied with (paraphrased from BLM manual 2801).

The decisions in this Record of Decision are consistent with BLM policy. The OPP Project complies with existing federal land use plans, including BLM Resource Management Plans (RMPs) for the three affected field offices. The decisions of this ROD will not require amending any of the aforementioned BLM RMPs.

The OPP Project will utilize segments of existing designated utility corridor (windows) and non-designated utility corridors. The route also follows portions of yet to be designated National Energy Corridors as part of a national energy corridor planning effort required by Section 368 of the Energy Policy Act of 2005. On balance, the benefits of implementing the BLM preferred alternative as proposed by Overland Pass and modified by the terms and conditions of this ROD and the FINAL EIS for the OPP Project minimize both natural resource and social impacts. Environmental protection measures the applicant incorporated into its POD and the terms and conditions stipulated in this ROD will minimize resource impacts of this project. These measures constitute all practical means to minimize environmental harm and are detailed in the POD. Monitoring and environmental compliance during construction will ensure all environmental protection measures are completed. All of these considerations have led to my decision to approve and offer a ROW grant(s) and TUP to Overland Pass Pipeline Company, LLC for the OPP Project.

B. Land Use Plan Conformance/Consistency

This project is subject to and has been reviewed for conformance with the following BLM Field Office RMPs for lands under their respective jurisdiction. Rawlins and Kemmerer Field Offices are in the process of writing new RMPs for managing public lands and resources.

<u>Field Offices</u>	<u>BLM Land Use Plans</u>	<u>Date</u>
Rawlins Field Office, Wyoming	Great Divide Resource Area RMP	11/1990

Decision/page 15: "All BLM administered public land will be open to consideration for placement of utility/transportation systems, but such systems will be located next to existing facilities whenever possible. Areas with important resource values identified will be avoided where possible in planning for new facility placement and routes. If it becomes necessary for facilities to be placed within avoidance areas, effects will be intensively mitigated."

Rock Springs Field Office, Wyoming	Green River RMP	10/1997
---	------------------------	----------------

Page 9, Lands and Realty Management: "Public lands will be made available throughout the planning area for rights-of-way, permits, and leases. The planning area, with the exception of defined exclusion and avoidance areas, will be open to the consideration of granting rights-of-way."

Kemmerer Field Office Wyoming	Kemmerer RMP	6/1986
--------------------------------------	---------------------	---------------

Decision/page 31: "Rights-of-way will be issued incorporating surface reclamation stipulations (see Soils) and other mitigating measures (Appendix A). Restrictions and mitigating measures may be modified on a case-by-case basis."

Review of these BLM land use plans indicates the OPP Project is in compliance with, or is consistent with, these plans. One special area of concern relates to decisions in the Green River RMP for the management of sensitive plant species. The GRRMP lists the following management objectives for special status species:

- a. Known locations of special status plant species communities will be protected and closed to:
 - 1) surface disturbing activities or any disruptive activity that could adversely affect the plants or their habitat...
- b. Areas with known populations of sensitive plants are considered ROW avoidance areas.
- c. Management objectives for Special Status Species are to: 1) maintain or enhance essential and important habitat and prevent destruction or loss of the species' communities and important habitat; 2) provide opportunities for enhancing or expanding the habitat, and 3) prevent the need for listing a species as threatened or endangered.

Special status plant surveys conducted by Overland Pass in 2007 have uncovered multiple populations of Nelson's Milkvetch in the proposed ROW. Previous inventories for the milkvetch in 2006 revealed only a few individual plants perhaps due to drought conditions which may have suppressed plant growth. Overland Pass has avoided plant populations near MP's 99, 100, 103, 116, and 126 by necking down, doing reverse construction lays, and reducing topsoil segregation to trenchline only. Milkvetch plants would be fenced with exclusion fencing and avoided by surface disturbance at these locations. One population located at MP105.8 that contains Nelson's milkvetch plants that cannot be missed by the trench or construction equipment. At MP105.8 the construction ROW has been limited to the existing disturbance of the adjoining MAPCO ROW (approx. 50 feet wide) for ¼ mile on each side of the Overland Trail crossing at MP105.9. The plants that cannot be missed are located inside the previously disturbed area of the MAPCO ROW. To mitigate the potential impact and loss of plants, Overland Pass has prepared a plan that would allow recovery and transplanting approximately 20 individual plants that would otherwise be lost and placing them in storage pots until the appropriate transplanting period. A second treatment will excavate soils with rhizomes from Nelson's milkvetch from five one meter plots in the disturbed area to a depth of 6-inches. These rhizome plots will be placed back in their approximate original locations after construction. All 20 plots and control plots will be hand watered one time after preparation and planting and monitored for 3 to 5 successive years after construction to measure success. In addition, Overland Pass will contribute monetarily to the Seeds of Success program to allow for the collection, storage and transplanting of Nelson milkvetch seeds in study plots located on the ROW and in plots on adjoining federal land. Transplanting of Nelson Milkvetch has not been attempted on any known BLM ROW project

to date. BLM feels that the risk of lasting impact to the species is minimal as the plans will avoid nearly all plants and would require relocation of approximately 20 plants. This is a very minor fraction (far less than 1%) of the plants known to exist in the survey corridor for this project not counting the large number of milkvetch specimens observed but not inventoried that are located immediately adjacent to the ROW. BLM would stipulate that Overland Pass must notify the authorized officer in advance of initial surface disturbing activities so that BLM can inspect the mitigation measures prior to surface disturbance. Approval of the plan would be consistent with the objectives of the GRRMP for sensitive plants.

This decision complies with land use plans for the Ashley National Forest-Flaming Gorge National Recreation Area. Public Law 90-540 established Flaming Gorge NRA on October 1, 1968. The Act designated 189,825 acres in northeastern Utah and southwestern Wyoming as Flaming Gorge National Recreation Area "to provide, in furtherance of the Colorado River Storage project, for public outdoor recreation use and enjoyment of the Flaming Gorge Reservoir and surrounding lands... and the conservation of scenic, scientific, historic and other values contributing to public enjoyment of such lands and waters..." (Sec. 1) The Secretary of Agriculture is charged with administering, protecting, and developing Flaming Gorge National Recreation Area in a manner that "will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historical, and other values contributing to public enjoyment; and (3) provide such management, utilization, and disposal of natural resources as will promote or are compatible with, and do not significantly impair, the purposes for which the recreation area is established." (Sec. 2).

This decision complies with land use plans for the Arapaho and Roosevelt National Forests and Pawnee National Grassland Land and Resource Management Plan.

C. Public Involvement

On March 24, 2006, BLM issued a Notice of Intent to prepare an Environmental Impact Statement and hold a series of public scoping meetings for the proposed pipeline project. A News Release announcing the locations and times for four scoping meetings was sent to the BLM project mailing list and media outlets. Scoping meetings were conducted in open house format where 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. A total of 53 individuals attended scoping meetings. BLM received 54 comment submittals containing 276 individual comments during the scoping period. BLM and Overland Pass used the public comments to make adjustments to the proposed action and develop alternatives to be analyzed in the EIS.

Key scoping comments included:

- Reroute the pipeline south of the Arrowhead Springs Subdivision where an existing pipeline is located
- Evaluate rationale for deviating from existing corridors
- Restoration and environmental oversight should be addressed in the EIW for private lands affected by the proposed project
- Consider construction and maintenance activities in the vicinity of high voltage transmission lines
- Evaluate potential impacts on critical habitat that supports wildlife and special status species
- Describe impacts on special status fish species and native fish

- Address ROW impacts to agriculture affecting use of pivot irrigation and loss of farmland productivity
- Address impacts to historic trails such as the Overland and Cherokee Trails
- Identify the positive economic impacts to communities

The Draft EIS was noticed by the Environmental Protection Agency on March 30, 2007, in the Federal Register. The BLM mailed 718 copies of the Draft EIS to interested parties, including federal, state, and local officials and agencies; special interest groups; area libraries and newspapers; and individuals and affected landowners. A 45-day comment period following the notice in the Federal Register ended on May 14, 2007. No public meetings were held during the comment period due to the low number of outstanding issues involved in the project.

The BLM received comments on the Draft EIS from a total of 15 parties; one of which responded twice. Each comment letter was given an index number, which is listed in **Table 10-1** of the Final EIS, along with the affiliation and name of the commenter. Comment letters were received from the Fish and Wildlife Service, Environmental Protection Agency, Wyoming Game and Fish, Wyoming DEQ, Sweetwater, Russell, Barton, and McPherson Counties, several Kansas State elected representatives, Overland Pass, Wyoming Pipeline Authority, and the University of Wyoming. No non-governmental organizations or private individuals commented on the Draft EIS.

All comments received during the public review period were reviewed and considered in preparation of the Final EIS. The Environmental Protection Agency issued a notice of availability in the Federal Register for the Final EIS on August 24, 2007. The notice provided for a 30-day review and comment period. No adverse comments have been received in response to the Final EIS.

One construction related issue raised by the Western Area Power Administration (Western) are the multiple crossings of Western owned electric transmission lines crossed by the OPP project. BLM did not include details of these transmission line crossings or other utility crossings in the environmental analysis since these are typically construction related issues. However, Western commented that Overland Pass must ensure that all electrical safety clearances are maintained during construction and that the pipeline design, construction and long term maintenance operations do not affect their transmission facilities. Any areas where the Overland Pass pipeline right-of-way encroaches onto transmission line right-of-way will require a license agreement between Overland Pass and Western. The six crossing locations and possibly a short parallel segment of pipeline ROW would require such agreements where transmission line right-of-way overlaps with the pipeline right-of-way. License agreements would include site specific safety provisions to ensure the pipeline did not adversely affect Western's transmission lines or access roads including requirements for advance notification prior to construction and appropriately marking the pipeline location within the transmission line right-of-way. A condition of approval will be added to the BLM ROW grant to specify Overland Pass must coordinate with Western and obtain any required agreements prior to construction.

D. Environmental Issues

Based on the Final EIS and associated appendices, BLM and the FS have determined that with application of Terms and Conditions of Approval, the environmental impacts of the OPP Project would result in limited adverse environmental impacts that would remain after application of the committed mitigation proposed by Overland Pass. BLM has considered the appropriate and reasonable terms and conditions that would further reduce potential project-related impacts. These additional Terms and Conditions of Approval contained in Appendix A shall be added to the ROW grant offered by BLM.

Environmental issues and impacts of the proposed OPP Project are examined in the Final EIS. The Final EIS also discusses the significant unavoidable impacts, irreversible/irretrievable commitment of resources,

short- and long-term uses of the environment, and cumulative impacts. By applying Overland Passes proposed mitigation contained in the POD and the additional terms and conditions of approval that will be added to the BLM ROW grant offer (Appendix A), BLM concludes the proposal would result in the following unavoidable impacts:

- **Soils.** A small fraction of the construction ROW and ancillary facility topsoil that would be graded, stockpiled, and replaced would be mixed, buried, or lost from the ROW or site because of wind and water erosion, especially across sensitive soils.
- **Native Vegetation/Wildlife Habitats.** Clearing and grading native and non-native grassland, shrubland, and forest communities would result in long-term changes in species composition and community structure (height and density) within the pipeline construction ROW and ancillary sites. Based on reconnaissance of existing pipeline ROWs, recovery of pre-existing vegetation cover and diversity for grassland communities after disturbance generally is 5 years. Shrubland forest communities would begin to regenerate within 10 years but may take 20 to 30 years to fully restock.
- **Land Use.** Private land would be converted to utility uses within new permanent utility ROWs for a minimum 30-year project life. Landowners would be restricted from placing structures over the top of the pipeline ROW. Land uses that would not interfere with pipeline operations (e.g., farming, livestock grazing, etc.) would continue. A small amount of rangeland and agricultural land would be converted to pipeline products terminals, pump stations, and pressure control stations for the project life. The Proposed Action could result in conversion of 9 acres to these industrial land uses.
- **Water Quality.** Unavoidable temporary impacts to water quality could occur during construction at river crossings. Turbidity and sedimentation could be increased, although mitigation measures would minimize the extent and duration of impacts. Similarly, unplanned releases (frac-outs) of drilling mud could occur during installation of the HDD crossing on the South Platte River crossing.
- **Wildlife and Fisheries Resources.** Aquatic habitat could be unavoidably disturbed, either in the short term or the long term at river crossings. Trenching activities could result in localized mortalities to fish, macro-invertebrates, and amphibians. Egg and juvenile life stages would be the most vulnerable to equipment. Depending on the time of construction, crossing of the Green River, Chief Creek, and North Fork of the Republican River could cause mortalities to fall-spawning fish, such as kokanee salmon and brown trout. If the planned open-cut crossings of the Hams Fork River and Blacks Fork River were improperly restored, there could be long-term effects on fish habitat and reproduction over and above the existing impacts from prior pipeline projects. Potential scouring at these crossings could affect fish movements during low flow periods. Terrestrial biota could be disturbed, removed, or, in rare instances, killed during construction activities.
- **Public Safety.** Installation of a pipeline has some degree of unavoidable potential impact with regard to public safety. Risk analysis indicates the occurrence of a pipeline accident resulting in the spill or release of product that would affect the public is unlikely. The pipeline is new and incorporates safety features and design aspects that increase safety.
- **Aesthetics.** The presence of the pipeline and associated facilities has an unavoidable aesthetic effect. For several years following construction, the pipeline would be visible, as vegetation re-establishes.
- **Cultural Resources.** Construction could result in the loss of unique or significant archaeological information. Required surveys and mitigation plans reduce this potential. Implementation of Unanticipated Discovery Plans will guide mitigation efforts in the event cultural resources are discovered during construction.

The major nonrenewable resources that would be consumed by the proposed project that are irreversible are fossil fuels used to power construction equipment and, over the life of the project itself, the proposed electric powered pump stations would consume energy. The primary resources irretrievably lost would include soils (resulting from wind and water erosion in disturbed areas); water (used for dust control); land

use (aboveground facilities would replace rangeland for the life of the project); wildlife habitat (temporary to long-term loss); sagebrush vegetation communities (long-term loss), and agricultural land include the loss of agricultural crop production for the season during construction in impacted areas.

Cumulative Impacts are addressed in detail in the Final EIS (**Chapter 5**). Existing and foreseeable projects that overlapped or could overlap the OPP Project were identified throughout the length of the pipeline and evaluated. Environmental issues associated with construction, operation, and maintenance of the OPP Project were analyzed using information provided by Overland Pass, and further developed from data requests; field investigations; scoping; literature research; alternatives analysis; contacts with federal, tribal, state, and local agencies; and input from public groups and organizations.

Overland Pass prepared specific plans (included by reference in the Terms and Conditions of Approval and POD) that include measures to mitigate potential impacts. These plans include:

- Site specific waterbody crossing plans,
- Seed Mixes,
- Transportation Plan,
- Hydrostatic Test Plan,
- Emergency Response Plan,
- Fire Prevention and Suppression Plan,
- Conservation Measures Plan,
- Spill Prevention,
- Containment, and Countermeasure Plan,
- Blasting Plan,
- HDD Inadvertent Release Plan,
- Weed Management Plan,
- Incised Bank Stabilization Plan,
- Winter Construction Plan,
- Environmental Inspection and Compliance Monitoring Plan.

This ROD incorporates the committed mitigation measures proposed by Overland Pass in the POD and additional mitigation measures proposed by BLM in the form of terms and conditions of approval to address impacts not addressed in Overland Pass's POD (See ROD Appendix A and C).

E. Land Use Conflicts

Nearly all of the federal lands along the proposed OPP Project route contain various valid existing rights. The OPP route contains multiple existing ROW authorizations for other pipelines, fiber optics lines, access roads, electric lines, and phone cables. Overland Pass will physically locate and avoid all existing ROW facilities during their construction activities. The ROW grant issued to Overland Pass on federal lands will generally overlap with the ROW grant for the nearest utility. Where the new Overland Pass pipeline will cross or intersect with existing pipelines or other utilities, Overland Pass would be buried below or underneath the existing ROW facility in accordance with Department of Transportation (DOT) specifications and any site specific crossing agreements that were required.

All of the federal lands along the OPP Project route are under grazing permit from the BLM. BLM grazing permit holders will be notified by Overland Pass prior to construction on their grazing allotment. Many of the allotments in the Rock Springs area are winter sheep allotments and Overland Pass is required to work with the permittees to allow access for sheep operations during the overlapping construction period. Because the disturbance associated with pipeline construction is temporary, there would be no reductions in grazing preference as a result of the project. Overland Pass's POD states they will perform mitigation

measures such as bracing any fence that must be cut, temporarily fencing out critical portions of the ROW if necessary to minimize impacts to livestock, and notifying operators prior to construction. Overland Pass will also install soft trench plugs at 0.5-mile intervals and at livestock watering or trailing locations to minimize impacts on grazing activities.

F. Consultation and Coordination

Section 7, Endangered Species Act: Informal and formal consultation was initiated by the FERC with the FWS for a number of listed species, including Colorado River fishes. On September 25, 2007, the FWS issued a Biological Opinion and concurrence letter concluding consultation on these species. The Biological Opinion is attached as Appendix D.

Section 106, National Historic Preservation Act: Consultation under Section 106 of the NHPA has been completed as evidenced by the signed Memorandum of Agreement for the project dated September 26, 2007, and attached as Exhibit E. Overland Pass completed Class III inventories of all pipeline and related facilities, and access roads involved in the project. A treatment plan for adversely affected sites was prepared and incorporated into the Memorandum of Agreement for the project. A discovery plan which outlines the manner in which unanticipated sites found during construction are dealt with is included in the treatment plan. As a signatory to the MOA, Overland Pass has accepted and agreed to comply with all terms and conditions of the MOA. The BLM ROW grant will be made subject to the requirements and mitigation measures contained in the MOA. Mitigation measures including avoidance, excavation of sites, exclusion fencing, and open trench monitoring have been incorporated into Overland Passes project plans.

Native American Consultation: As lead federal agency, the BLM is responsible for conducting Native American Consultation with Native American tribes known to have affiliations with lands affected by the project. Overland Pass and BLM will continue to work with the tribes through the construction phase of the project if additional issues are raised.

BLM retained the services of SWCA to assist with the Native American consultation efforts for the project and the identification of traditional cultural places or properties located within the project area. Twenty-two federally recognized tribes were identified as potentially having an interest in the project. Of these 22 tribes, 7 tribes remain fully involved and continue to participate in all aspects of tribal consultation, 3 tribes requested project information and have provided comment on the project, 8 tribes stated they had no concerns for this project, and 4 tribes did not respond to follow up contact for this project. Consultation efforts by the BLM-Rawlins Field Office resulted in 2 inter-tribal meetings, 3 on-site field visits to 14 archaeological sites and places identified as possibly possessing cultural or religious significance to tribes and the monitoring of 1 site during deep testing. Follow-up correspondence in the form of emails, telephone calls, project updates, and tribal response letters have taken place as part of the federal agency's ongoing effort to maintain government-to-government relationships with federally recognized tribes. There were no new places of cultural or religious significance identified for this project.

During the field visits, tribal representatives expressed concerns specifically for all cultural resources that would be directly impacted by the proposed pipeline route and its construction. Tribes requested the pipeline be moved to increase buffers between cultural resources and the pipeline corridor. Overland Pass has adopted many of the suggested realignments suggested by the tribes. Of specific importance to some tribes was the location of the proposed pipeline in relation to the Foote Creek Rim Archaeological District in southern Wyoming. After careful consideration, the BLM determined that the route least likely to impact historic properties was the proposed route. Although the alignment crosses the Archaeological District, it crosses the district following previously disturbed lands within an existing utility corridor. This utility corridor already has 5 existing pipelines and a fiber optics cable including the recently constructed (2006) Entrega 36-inch diameter natural gas pipeline. The proposed route avoids crossing the existing infrastructure of the Arlington Wind Farm located along the Foote Creek Rim mesa top. Additional concerns discussed with the tribes included what laws each state has for protection of burials on private

and state lands, mitigation of potential impacts, and treatment of inadvertent discoveries. Overland Passes treatment and discovery plans address these concerns. Several tribes expressed the desire to conduct monitoring during construction of the pipeline. The tribes were provided the opportunity to identify sites or locations they felt should be monitored by tribal representatives during the construction phase of the project. Overland Pass volunteered to consider any specific monitoring proposals identified by any of the involved tribes.

Consultation efforts with the tribes are ongoing and will likely continue through the construction and rehabilitation phase of the project.

VI. APPEALS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed with the State Director, Bureau of Land Management, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming, 82003 or delivered to BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming, within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

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

VII. SIGNATURE

This document constitutes the Record of Decision for the Overland Pass Pipeline Company, LLC, Overland Pass Natural Gas Liquids Pipeline Project, in accordance with the Mineral Leasing Act, as amended, and regulations under Title 43, CFR, Parts 2800 and 2880. Specifically, this Decision applies to the approval of ROW grant WYW-166510, and associated Temporary Use Permit for the project.

(For) 

Robert A. Bennett
Wyoming State Director

10-1-07
Date