



U.S. Department of the Interior

Bureau of Land Management

Wyoming State Office

Rock Springs Field Office

February 2003

**DECISION RECORD, FINDING OF NO
SIGNIFICANT IMPACT and
ENVIRONMENTAL ASSESSMENT for
Anadarko E&P Company L.P., Monell CO₂
Pipeline Project**

MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

BLM/WY/PL-03/009+1310

1792/2880 (040)
Monell CO₂ Pipeline
Anadarko E&P Company L.P.

February 13, 2003

Dear Reader:

Attached you will find the Decision Record, Finding of No Significant Impact, and the Environmental Assessment for Anadarko E&P Company L.P., Monell CO₂ Pipeline Project. A copy of the document is being provided to you because you either submitted comments or requested to receive a copy.

The environmental assessment fully analyzed two alternatives and considered several others. The Bureau of Land Management (BLM) is issuing the documents simultaneously. All concerns or issues raised during public scoping have been fully considered in the analysis.

BLM appreciates your participation during the environmental analysis. The documents have been posted on the Rock Springs website (<http://www.wy.blm.gov/rsfo>). A limited number of paper copies of this decision and environmental assessment are available at the Rock Springs Field Office in Rock Springs. If you have questions, please phone Jennifer Bates at 307-352-0344.

Sincerely,

/s/ Ted A. Murphy

Ted A. Murphy
Acting Field Manager

Attachments

**DECISION RECORD
AND
FINDING OF NO SIGNIFICANT IMPACT
for
ANADARKO E&P COMPANY L.P.
MONELL CO₂ PIPELINE PROJECT**

Introduction

Anadarko E&P Company LP (Anadarko, formerly known as RME Petroleum Company), a subsidiary of Anadarko Petroleum Corporation, applied to the Bureau of Land Management (BLM), Rock Springs Field Office (RSFO), for a right-of-way grant to authorize construction, operation, and maintenance of a buried carbon dioxide (CO₂) gas pipeline and related facilities. The BLM assigned case numbers to Anadarko's project including WYW-156096 for the pipeline and facilities and WYW-156817 for the access roads.

The proposed 32.7-mile Monell CO₂ Pipeline would begin at the existing Exxon/Mobil connection in the SW1/4NW1/4 of Section 15, T23N, R100W, 6th Principal Meridian, Sweetwater County, Wyoming, and would parallel the existing Duke Energy Field Services' Bravo Interconnect pipeline for 14.6 miles to a point in the NW1/4SW1/4 of Section 11, T21N, R99W. The remaining 18.1 miles of new pipeline construction would begin at this point and proceed south into the Monell Field at the Monell #90 well in the center of the NE1/4SE1/4 of Section 11, T18N, R99W. The location of the pipeline route is reflected on the Monell CO₂ Map.

The purpose of the proposed pipeline would be to transport CO₂ gas from an existing valve terminal that is part of the Exxon/Mobil Shute Creek CO₂ Distribution Pipeline System to the existing Monell Federal Unit Oil Field (Monell Field) and inject it to liberate some of the remaining oil resources from the existing oil field for tertiary recovery. CO₂ flooding shows the widest applicability for tertiary oil recovery and would likely result in the largest volume of oil actually recovered.

Alternatives Considered in the Environmental Analysis

The attached *Monell CO₂ Pipeline Environmental Assessment* (EA) analyzed two alternatives. Under the Proposed Action, Anadarko would construct, operate, and maintain 32.7 miles (16.15 miles located on public lands managed by the BLM) of buried 8-inch diameter and 6-inch diameter CO₂ gas pipeline and related facilities. The pipeline would be used to transport CO₂ gas from an existing valve terminal that is part of the Exxon/Mobil Shute Creek CO₂ Distribution Pipeline System to the existing Monell Field.

Related facilities include: a metering station, a booster pump station, and access roads. The metering station would be constructed at the existing valve terminal on the

Proposed Monell CO2 Pipeline



- Monell CO2 Pipeline
- Field Office Boundary
- Interstate 80

Surface Ownership

- Bureau of Land Management
- Private
- State



Exxon/Mobil CO₂ pipeline and the booster station would be constructed in the SE1/4SW1/4 of Section 35, T19N, R99W. Anadarko would also locate the primary cathodic protection beds at the booster pump station. Depending upon the results of soil studies, Anadarko may also locate a second set of cathodic protection beds north of the booster pump station within the pipeline ROW. Other facilities proposed include three valve stations and seven temporary work areas located on the pipeline route. Anadarko proposed to upgrade 1.4 miles (7,400 feet of which 3,900 feet is located on public lands) of existing two-track roads as access to the proposed pipeline construction and operation. For a complete description of the Proposed Action including company committed measures, refer to section 2.1 of the attached EA.

The No Action Alternative analyzed the impacts of denying Anadarko's proposal. Section 2.2 of the attached EA provides a description of the No Action Alternative.

Alternatives Considered but Eliminated from Detailed Study

Three alternatives were considered but eliminated from detailed analysis. These alternatives include:

1. Transporting carbon dioxide from the Brady Plant, located about 15 miles from the Monell Field. This alternative was eliminated from detailed study because the Brady Plant could not provide an adequate supply of carbon dioxide.
2. Laying a surface pipeline along the same route. This alternative was eliminated from detailed analysis because of the 2688 psig operating pressure of the pipeline. A break in a surface pipeline containing this much pressure could have catastrophic results to anyone and any equipment located near the pipeline. Burying the pipeline provides the best protection against accidental collisions and intentional sabotage.
3. Re-alignment of the pipeline route was also considered. This alternative was considered but eliminated from detailed analysis because the current location of the proposed pipeline avoids sensitive cultural resource issues in the general area of the pipeline route and utilizes an existing pipeline corridor to reduce surface disturbance.

Section 2.3 of the attached EA provides further discussion of the alternatives eliminated from detailed study.

Decision

It is my decision to issue right-of-way grants for the following facilities on public lands administered by the BLM:

- 16.15 miles of buried 8-inch diameter and 6-inch diameter CO₂ gas pipeline on public lands managed by the BLM. A 50-foot wide temporary ROW (97.88 acres)

will be granted with a 30-foot permanent width (58.73 acres).

- A metering station (located within the permanent pipeline ROW)
- One valve station (within the permanent pipeline ROW)
- Access road (3,900 feet, 2.67 acres)
- Two temporary work areas (4.36 acres)

Other facilities associated with this action but located on private lands include:

- A booster pump station
- Cathodic protection
- Two valve stations
- Access road
- Five temporary work areas

Section 2.1 of the attached EA provides a detailed description of the location and components of the pipeline and related facilities. Construction and installation practices will be in accordance with the plan of development and supplement/s submitted by Anadarko (available at the Rock Springs Field Office) and standard stipulations for rights-of-way issued under the Mineral Leasing Act of 1920, as amended. Appendix A provides a list of measures that were either proposed by the applicant as part of their plan of development or were determined to be necessary during analysis. This decision is subject to implementation of these measures.

Rationale for the Decision

The Proposed Action is in conformance with the Green River Resource Management Plan, approved August 8, 1997, which allows for the transportation of produced fluid minerals in an environmentally responsible manner. Approval of this action is in compliance with all applicable Federal, state, and county authorizing actions.

BLM released a scoping notice on July 25, 2003. Nine comment letters, emails, or phone calls were returned. All issues brought forth during public scoping have been considered in the analysis (see Section 1.4 and Table 1.1 of the attached EA for specific comments and corresponding section where the issue was addressed).

The action will enhance tertiary recovery operations in compliance with the Mineral Leasing Act for “maximum ultimate economic recovery” of the resource (43 CFR 3160.0-5). In addition, using CO₂ for tertiary oil recovery will transport large quantities of CO₂, currently being vented to the atmosphere, and sequester it underground to stimulate additional oil production in an existing oil field.

BLM has determined that no listed species under the Endangered Species Act would be adversely affected by this action. A copy of the concurrence letter from USFWS can be

found in Appendix B. Mountain plover, a proposed for listing species, will not be jeopardized by the action since procedures mandated by USFWS would be adhered to including surveys of potential breeding and nesting habitat between April 10 and July 10 if activity takes place. Other sensitive species have been considered and protected as required.

The rights-of-way will be issued subject to Anadarko's Plan of Development, measures contained in Appendix A of this decision which may supplement the plan, and standard terms and conditions of the right-of-way grant.

Finding of No Significant Impact

Based upon the review of the EA, I have determined that the Proposed Action with implementation of measures identified in Anadarko's Plan of Development (see Section 2.1 of the attached EA), Appendix A of this decision, and the standard terms and conditions for right-of-way grants is in conformance with the Green River Resource Management Plan. Implementation of this decision will not have a significant impact on the human environment. Therefore, an EIS is not required.

Appeal

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1 (Appendix C). If an appeal is taken, the notice of appeal must be filed in this office, BLM, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901, within 30 days from the date of this decision plus 7 days mailing time (February 20, 2003). The appellant has the burden of showing that the decision appealed from is in error.

You may file a petition for stay, pursuant to regulations contained in 43 CFR 4.21 (58 Federal Register 4939, January 19, 1993), 43 CFR 2804.1, or 43 CFR 2884.1, of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA. Such a petition for stay must show sufficient justification based on the standards listed on Form 1842-1. 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 appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Adverse parties to any appeal:

Anadarko Petroleum Corporation
PO Box 1330
Houston, TX 77251-1330

Signature

/s/ Ted A. Murphy
Acting Field Manager

February 13, 2003
Date

Appendix A
COMMITTED MEASURES

In addition to the described construction and reclamation methods (Anadarko's Plan of Development) found in Sections 2.1 through 2.1.10 of the attached EA, the following measures are made part of the decision to approve processing of the right-of-way grants for this project. These measures supplement Anadarko's Plan of Development.

- Construction, operation, and maintenance of the pipeline will be in accordance with the Plan of Development and standard terms and stipulations attached to the right-of-way grant.
- The pipeline will be buried. Following construction, the ROW and temporary work areas will be reclaimed with the approved seed mixture identified in Table 2-3 of the attached EA. Any above ground facilities will not exceed one-story and will be painted with colors that blend into the surrounding area.
- In order to protect domestic livestock, wildlife, and feral horses from injury, Anadarko will not leave any given segment of the pipeline trench open for more than 10 days. Anadarko will also space gaps in the trench so that no more than one mile of trench will be open, thus allowing for the passage of vehicles, livestock, and wildlife. Anadarko will inspect open trenches daily for trapped livestock or wildlife. Anadarko will notify appropriate livestock permittees when trenching is proposed to occur in their allotments.
- Prior to construction, signs will be posted on access roads in the active construction areas to warn about the presence of domestic livestock, wild horses and wildlife in the area.
- Construction traffic will be directed to avoid the 12-Mile Well area when possible.
- Should BLM determine it necessary, surveys for Nelson's milkvetch will be conducted within the proposed ROW prior to surface disturbing activities. Should Nelson's milkvetch be documented within the construction zone, Anadarko will work with the BLM on measures to mitigate any impact to the species.
- In order to prevent the introduction and spread of noxious and invasive weed species into the project area the following measures will be implemented:
 - 1) Anadarko and their contractors will power-wash all construction equipment and vehicles prior to the start of construction. Any vehicles traveling between the project location and outside areas will be power-washed on a weekly basis.
 - 2) The new pipe and other construction materials will be treated with a BLM approved pesticide prior to being transported on the project area from

storage locations.

- 3) Anadarko will implement an intensive reclamation and weed control program beginning with the first growing season after project completion. Anadarko will reseed any disturbed areas using native plant species indigenous to the project area (See Table 2-3 for seed mixes and seeding rates). Seeding applications will continue until determined successful as defined in Reclamation Plan (CD/WII ROD). Weed control will be conducted through an approved pesticide use and weed control plan from the BLM AO.
- Regarding herbicide use, Anadarko will comply with all Federal and state laws and with registered uses and limitations imposed by the AO. Before using herbicides, Anadarko will obtain written approval from the AO of a plan showing the type and quantity of material used, species to be controlled, application methods, storage locations, container disposal, and any other information deemed necessary by the AO.
 - To protect wildlife resources: The following measures will be adhered to.

Western Burrowing Owl

If construction within prairie dog colonies is proposed between March 1 and August 15, surveys for the burrowing owl will be conducted by a BLM-approved wildlife biologist in all four prairie dog colonies proposed for disturbance. Should nesting burrowing owls be documented within the project area, construction will be avoided within a 1/2-mile radius of the nest site during the active nesting and fledging season.

Mountain Plover

If construction within prairie dog colonies is to begin or continue between April 10 and July 10, Anadarko will fund surveys for mountain plovers. Plover surveys will be conducted according to the United States Fish and Wildlife Service's (USFWS) *2002 Mountain Plover Survey Guidelines* (USFWS 2002a) by a BLM-approved biologist. Should nesting plovers be documented within 1/4 mile of the pipeline, construction within 1/4 mile of the nest will halted until after July 10.

Ferruginous Hawk

If construction is proposed between February 1 and July 31, surveys of the three nests within Section 17, T22N, R99W and Sections 9 and 10, T21N, R99W will be conducted by a BLM-approved wildlife biologist. If any of the three nests are documented as active, construction will be avoided within a one-mile radius of the nest site from February 1 through July 31 or until young have fledged the nest.

Greater sage-grouse

Should project construction begin or continue between February 1 and July 31, a lek survey will be conducted prior to allowing construction within two miles of the lek in Section 15, T18N, R99W. If the lek is active, construction will be avoided between 6:00 pm and 9:00 am within 1/2 mile of the lek from March 1 to June 30. Construction may also be limited within a two-mile radius of the active lek in order to protect nesting and brooding habitat. As cited in the Green River RMP, the actual area to be avoided, scope of the activity limitation, and appropriate time frame for limitation will be determined on a case-by-case basis by the BLM and Anadarko.

Black-footed Ferret and White-Tailed Prairie Dogs

Construction of any type, storage of any project materials or equipment, driving or parking of employee or contractor vehicles will not be allowed in specific prairie dog colonies (colonies 1, 2, 3, 4, 6, 8, and 11) as illustrated on the map in Appendix B. Anadarko will provide employees and contractors with a map of the areas to be avoided and will discuss the importance of avoidance of these colonies during pre-construction meetings. Prior to construction, Anadarko will also have the boundaries of these areas flagged by a BLM-approved contractor to prevent any accidental disturbance of the areas.

- Anadarko will remove the top 6 inches of topsoil along the ROW, separate and conserve the topsoil during excavation, and reuse the topsoil as cover on disturbed areas to facilitate regrowth of vegetation. During stockpiling, topsoil will be protected as determined necessary by the BLM using mulch, netting or other appropriate means.
- No construction will occur when soils are saturated. Soils are considered saturated when ruts form three inches deep or greater.
- Water bars will be placed approximately every 25 feet (or as often as necessary) on steep slopes to prevent erosion. Water bars and other erosion prevention measures will also be applied in Sections 9, 22, 27, and 35, T19N, R99W and Section 12, T22N, R100W where soil types present water erosion hazards.
- Anadarko will minimize construction in areas of steep slope (e.g., >25%) and sand dunes and will apply special slope-stabilizing techniques (e.g., mulch, netting, soil stabilizers) if construction cannot be avoided in these areas.
- During the reclamation process, the surface of the ROW will be left as rough and uneven as feasible to blend with the surrounding environment and facilitate seed establishment and reclamation.

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- All drainage crossings will be designed to carry out at least a 10-year/24-hour storm event in accordance with Section 9113 of the BLM Manual.
 - Anadarko will restrict off-road vehicle activity by employees and contractors.
 - Anadarko will implement a SWPPP for all construction activities on the ROW. This SWPPP will be filed with the WYDEQ. As part of this plan, a list of Best Management Practices (BMPs) will be identified that will help to control erosion and sedimentation. These BMPs could include but not be limited to water breaks, sand bag berms, retention basins, hay bale dikes, and silt fences. These BMPs will be left in place and maintained until the ROW has attained 80 percent of predisturbance vegetation.
 - No depletions of the Colorado River System will occur.
 - Project water for hydrostatic testing will not exceed 4,000 BBL, and will be obtained from the Monell No. 3 water source well in the NE1/4 of Section 26, T19N, R99W. Water used for hydrostatic testing will be disposed of to the surface in accordance with all applicable Federal and State requirements and permits.
 - All perennial and ephemeral streams will be re-contoured and stabilized to their original contour following construction of stream-pipeline crossings.
 - No ramps or breaches will be left across drainages that domestic livestock, feral horses, or wildlife could cross.
 - No berms will be left after backfilling of the pipeline trench, except those needed for continued erosion control or pollution prevention that are authorized by the AO.
 - The pipeline will be inspected in accordance with DOT regulations by Anadarko personnel to ensure that no leaks are occurring.
 - The pipeline will be horizontally directionally bored at Twelve Mile Gulch, Black Rock Creek and Patrick Draw-Bitter Creek. Stream crossings will be aligned to minimize impacts on riparian and wetland vegetation.
 - Where the pipeline intersects wetlands identified by the National Wildlife Federation, National Wetland Inventory (NWF-NWI), techniques will include the use of wide-track or balloon tires, or standard equipment operated on timber riprap or mats. Sediment barriers will be installed immediately upslope of the wetland boundary to minimize effects on any adjacent wetlands. If construction of the pipeline occurs when the wetlands in Sections 22 and 24, T23N, R100W are

inundated/wet, measures to avoid impacts to these wetlands will be developed by the BLM and Anadarko on a site-specific basis. Such protective measures could include re-routing of the pipeline, boring under the wetland, or other impact avoidance techniques. Woody vegetation in wetlands will be cleared using the least disruptive economically feasible method. Grass or herbaceous vegetation will not be removed except immediately over the ditch line or in rough/broken terrain.

- Spoil material and topsoil from the trench will be segregated within the ROW. In saturated wetlands, soils will be protected from traffic impacts by the use of timber mats or other supportive material. Temporary fill will not be brought into the wetland to stabilize the working area. After the pipe is installed, the trench line will be backfilled and the topsoil replaced. The salvaged topsoil, which will contain seeds and propagules from wetland species, will be reapplied to the areas from which it was stripped to maximize reclamation success.
- In hilly areas, depending on the pipeline gradient, sacks filled with sand or smooth soil may be placed in the trench as barriers, perpendicular to the pipe at regularly spaced intervals to prevent water from running down the trench during rain storms and from washing out the backfill. When these preparations are completed, the areas between and over the sack breakers may be backfilled with spoil and topsoil.
- Only one known paleontological site is located in the general area of the ROW. This site will be flagged and avoided by the construction crews. Anadarko does not plan to blast or disturb rock outcrops or other areas that may have paleontological value. Should fossil resources, specifically vertebrate fossil deposits be unearthed on public or Federal land during excavation, a paleontologist from the appropriate state or Federal agency will be immediately contacted and reasonable measures will be taken to identify and preserve the fossils. The AO will also be notified immediately. Construction will be allowed to continue in due course. This will be accomplished by making a slight pipeline position adjustment or reroute; by allowing construction to continue 100 meters past the point of discovery of the fossil resource; or by some other reasonable means suggested by BLM and acceptable to Anadarko that is designed to allow construction to move forward without delay while providing for the salvage, extraction or protection of the fossils.
- Class III surveys have been completed on the area proposed for surface disturbance and reports were submitted to the BLM Rock Springs Office (Murray 1999 and Johnson 2002). Anadarko and contractors will inform their employees about relevant Federal regulations protecting cultural resources. If any cultural remains, monument sites, objects, or antiquities subject to the *Antiquities Act of June 8, 1906* or the *Archaeological Resources Protection Act of 1979* are discovered on Federal land during construction, the discovery will be immediately reported to the AO. Anadarko will suspend operations in the immediate vicinity of such discovery and will be allowed to continue construction in due course. This will

be accomplished by making a slight pipeline position adjustment or reroute; by allowing construction to continue 100 meters past the point of discovery of the fossil resource; or by some other reasonable means suggested by BLM and acceptable to Anadarko that is designed to allow construction to move forward without delay while providing for the salvage, extraction or protection of the discovered cultural resource.

- Prior to starting construction, Anadarko will hold an environmental and safety meeting with representatives of all the contractors. All of the Applicant Proposed Environmental Protection Measures and mitigative measures contained in the EA and the decision, if the decision is to approve the project, will be discussed at this meeting.
- To minimize the possibility of fires during the construction phase, all equipment, including welding trucks, will be equipped with fire extinguishers.
- Anadarko will designate a representative to be in charge of fire control during pipeline construction. The fire representative will ensure that each construction crew has fire fighting tools and equipment, such as extinguishers, shovels, and axes, available at all times. The number of tools needed will depend on the number of persons working in the area.
- Anadarko will notify the AO of any fires during construction and will comply with all rules and regulations administered by the AO concerning the use, prevention, and suppression of fires on Federal lands.
- In order to reduce the amount of vehicular traffic and associated emissions, members of the pipeline construction crew will be asked to car pool to and from the Anadarko office or surrounding cities and towns.
- Water trucks will be used periodically for dust suppression along project area roads in order to minimize fugitive dust during pipeline construction.

Appendix B
USFWS Letter



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

ES-61411

November 25, 2002

ke/W.02/WY6306

Memorandum

To: Ted A. Murphy, Acting Field Manager, Bureau of Land Management, Rock Springs Field Office, Rock Springs, Wyoming

From: Michael M. Long, Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming

Subject: Biological Survey Report for the Monell CO2 Pipeline

Thank you for submitting biological reports for the proposed Anadarko Monell CO2 Pipeline located in T21-23N, R99-100W, in Sweetwater County, Wyoming. The first report received in this office September 25, 2002, included a general biological survey and white-tailed prairie dog (*Cynomys leucurus*) town mapping. The final report, a black-footed ferret (*Mustela nigripes*) survey, was received in this office November 18, 2002.

You have requested U.S. Fish and Wildlife Service (Service) concurrence for your determination of potential affects to the black-footed ferret from this action. Our following comments will address your determination for ferrets as well as address the information you have provided on other listed species such as mountain plover (*Charadrius montanus*), bald eagle (*Haliaeetus leucocephalus*), and Ute ladies'-tresses (*Spiranthes diluvialis*), in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

BLACK-FOOTED FERRET

The Service recommends mapping of all prairie dog towns within 0.5 mile of the project right-of-way (ROW) including those towns that are traversed by the pipeline to determine if towns or complexes are of adequate size to support a ferret. After reviewing your report, the Service believes that prairie dog towns were mapped in accordance with the 1989 U. S. Fish and Wildlife Service Black-Footed Ferret Survey Guidelines.

According to the biological report 11 prairie dog towns were mapped on approximately 610 acres, resulting in approximately 14 burrows/acre. Individual towns were delineated from neighboring towns when densities along the perimeter of the particular town became less than 8 burrows/acre, as per the guidelines. The results exceeded the minimum requirements to necessitate black footed ferret surveys. The guidelines state that the area may be cleared after

completion of a ferret survey provided that no ferrets or their sign are found during the survey. Environmental consultants (Buys & Associates) initiated black-footed ferret surveys on October 1-3, 2002. The Service issued a *one time* variance to the survey guidelines to omit surveys on prairie dog towns 1, 2, 3, 4, 6, 8, and 11 based on a written commitment from Anadarko (Operator) to completely avoid any disturbance to these towns, including vehicular and human traffic. The Operator has stated (letter of September 27, 2002) that they will request a Bureau of Land Management (Bureau)-approved consultant to flag the perimeters of the above described towns to define avoidance areas. The Operator will also provide employees with maps of the towns to avoid.

Martin Grenier, of the Wyoming Game and Fish Department (WGFD) provided our office with additional information regarding previous ferret surveys in southern Wyoming. According to Mr. Grenier, there have been extensive surveys, by the State, in and around the project area, none of which resulted in ferret observations. The Service believes that the project, as proposed, will not adversely affect the black-footed ferret based on the negative observations of ferrets or their sign from the most recent ferret survey within the project area (Buys & Associates) as well as the information provided by the WGFD.

OTHER LISTED SPECIES

A letter from your office on September 6, 2002, stated that there is no suitable habitat for the bald eagle along the proposed pipeline route. Additionally, the biological report indicates that no raptor nests or individual raptor species were observed along the pipeline route. Our office has reviewed the 2002 *Wyoming Natural Diversity Database* to determine if there are any known bald eagle nests or winter roost sites within the project area. Based on no known nests or roost sites and the information you have provided, the Service believes that the project will not adversely affect the bald eagle.

Your letter also stated that there is no suitable habitat for Ute ladies'-tresses along the pipeline route. The biological report describes the vegetation communities within the project area as short-grass prairie and sagebrush steppe, neither of which provides appropriate habitat for this species. Therefore, the Service believes that the project, as proposed, will not adversely affect *Spiranthes*.

The biological report indicates suitable habitat for mountain plover within the project area. There were no observations of plovers during the field surveys (July 29-31) although plovers are more likely to be detected from May 1 to June 15. The Bureau has stated that surveys would be conducted if construction is to occur "within prairie dog colonies" during the breeding season. The Service recommends surveys of **all** suitable plover habitat within 0.25 mile of the project ROW, including prairie dog towns. Please refer to the 2002 *U. S Fish and Wildlife Service Mountain Plover Survey Guidelines*, for additional information on plover surveys. The Service commends the Bureau for requiring surveys and establishing stipulations to protect plovers during nesting and brood rearing season.

MIGRATORY BIRDS

Observations of western burrowing owls (*Athene cunicularia*) were noted in the biological report. Under the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA) the Bureau has a mandatory obligation to protect the many species of migratory birds, including eagles and other raptors, which may occur on lands under their jurisdiction.

SAGE GROUSE

According to the project area description, the majority of the pipeline corridor is dominated by sagebrush steppe. Several greater sage grouse (*Centrocercus urophasianLls*) were observed in the area, though no leks were discovered. We encourage the Bureau to take all necessary measures allowable to protect sage grouse in the project area to ensure this project does not exacerbate factors contributing to this species' decline.

WATER DEPLETIONS

You have stated that hydrostatic testing will cause an average annual depletion of 0.387 acre-feet from the Great Divide Basin. The Service has reviewed the information provided in regards to potential impacts to the endangered fishes of the Colorado River system. We have determined that the project location is well within the Great Divide Basin which is not hydrologically connected to the Colorado River Basin. Therefore, no consultation is required for Colorado River depletions based on the location of the project as described in your letter.

This concludes informal consultation pursuant to the regulations implementing the Endangered Species Act, 50 C.F.R. § 402.13. This Project should be re-analyzed if new information reveals effects of the action that may affect listed or proposed species or designated or proposed critical habitat in a manner or to an extent not considered in this consultation; if the action is subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this consultation; and/or, if a new species is listed or critical habitat is designated that may be affected by this Project.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have further questions regarding our comments or your responsibilities under the Act, please contact Kathleen Erwin of my staff at the letterhead address or phone (307) 772-2374, extension 28.

cc: Endangered Species Coordinator, State of Wyoming, Cheyenne, WY Statewide Habitat Protection Coordinator, WGFD, Cheyenne, WY Buys & Associates, Environmental Consultants, Englewood, CO

APPENDIX C
APPEAL PROCEDURES

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you.
- AND**
2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a Notice of Appeal in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE NOTICE OF APPEAL Field Manager
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

SOLICITOR ALSO COPY TO Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

3. STATEMENT OF REASONS Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary.

SOLICITOR ALSO COPY TO Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

UNLESS THESE PROCEDURES ARE FOLLOWED YOUR APPEAL WILL BE SUBJECT TO DISMISSAL (SEE 43 CFR SEC 4.402). BE CERTAIN THAT ALL COMMUNICATIONS ARE IDENTIFIED BY SERIAL NUMBER OF THE CASE BEING APPEALED.

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4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).
5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 Office hours of State Offices.

(a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

Standard for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, 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.
4. Whether the public interest favors granting the stay.