Decision Record

Categorical Exclusion
Red Butte Pipeline ROW Renewal Application
WYW-071236

BLM

Worland Field Office, Wind River/Bighorn Basin District, Wyoming

April 2011

The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

DOI-BLM-WY-R010-2010-0086-CX

DECISION RECORD
Categorical Exclusion
DOI-BLM-WY-R010-2010-0086-CX
WYW-071236
Right-of-Way: Other -- Renewal

It is my decision to authorize renewal of right-of-way, serial number WYW-071236, for an existing rectifier and deep well facility. Red Butte Pipe Line Co has requested renewal of their Golden Eagle Rectifier and deep well ground bed facilities that serve their Golden Eagle Gathering System. The ROW expired in 2010 as described in the proposed action, Categorical Exclusion No. DOI-BLM-WY-R010-2010-0086-CX. This Authorization will be granted subject to the Terms and Conditions as attached.

Authorities: Section 28 of the Mineral Leasing Act of 1920, as Amended; 43 CFR §2887.12.

Compliance and Monitoring: Designated Bureau of Land Management personnel will monitor and review project operations as needed to ensure that mitigation measures are in compliance with the terms and conditions of the grant.

Terms / Conditions / Stipulations: Attached

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Name of Plan: Grass Creek Resource Management Plan **Date Approved:** September 1998
This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR § 1610.5. The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): GCRMP ROD pg 12; "The planning area will be open for rights-of-way development. Proposals will be addressed on an individual basis with emphasis on avoiding certain conflict or sensitive areas." This proposal would be within an area available for linear right-of-way generally open to rights-of-way, and thus it would be in conformance with the land use plan.

Rationale for the Decision: This project, when implemented with the terms and conditions as described, will result in no long term impacts to the environment. Authorization will allow the holder continued use of the right-of-way.

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 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (BLM, Worland Field Office, P.O. Box 119, 101 South 23rd Street, Worland, WY 82401) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR § 2801.10 or 43 CFR § 2881.10 for

a stay (suspension) 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 with 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 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, and

(4) Whether the public interest favors granting the stay.

Don Krump 4-7-2011

Don Krump
Assistant Field Manager, Minerals and Lands
Worland Field Office
Date

Attachments:
DOI-BLM-WY-R010-2010-0086-CX
Terms and Conditions
Map

Categorical Exclusion Documentation

Background
BLM Office: Worland Field Office Lease/Serial/Case File No: WYW-071236

Proposed Action Title/Type: Renewal of Right-of-Way: Other

Location of Proposed Action: 6th PM, Hot Springs County, Wyoming, T. 45 N., R. 97 W., sec. 12, NE¼NW¼.

Description of Proposed Action:
Red Butte Pipe Line Co has requested renewal of their Golden Eagle Rectifier and deep well ground bed facilities that serve their Golden Eagle Gathering System. The ROW expired in 2010.

Project Design Features:
1. This permit is issued subject to the Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.

2. This right-of-way renewal will be authorized for the rectifier and deep well ground bed facilities as they currently exist.

Persons or Agencies Contacted
The Bureau of Land Management completed internal scoping with BLM resource specialists. Staff specialists reviewed the proposal and identified impacts and appropriate mitigation measures. No conflicting issues were identified in their review. The public was not involved in the development of this project proposal.

Land Use Plan Conformance
Grass Creek Resource Management Plan Date Approved: September 1998

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): GCRMP ROD pg 12; "The planning area will be open for rights-of-way development. Proposals will be addressed on an individual basis with emphasis on avoiding certain conflict or sensitive areas.

This renewal proposal would be within an area available for linear right-of-way generally open to rights-of-way, and thus it would be in conformance with the land use plan.

Compliance with NEPA
The proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11: 5.4E(9) "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2 apply.

Legal and Administrative Framework

Federally owned lands are managed by the U.S. Department of the Interior under Public Law 94-579, *Federal Land Policy and Management Act of 1976, as amended* (FLPMA); specifies that public lands are to be managed in a manner that recognizes the need for "multiple use" of the public lands and their various resource values. Sec. 501(a) [43 U.S.C.1761] (a) "The Secretary, with respect to the public lands (*including public lands, as defined in section 103(e) of this Act, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 U.S.C. 818)) [P.L. 102-486, 1992]* and, The Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under or through such lands for" various uses.

Regulations for rights-of-way BLM-administered public lands is contained in the Code of Federal Regulations 43 CFR§ 2800 and 2880. Other relevant guidance includes BLM Manual 2800 and 2801.

The RMP provides opportunities for the long-term use of public lands consistent with current laws, regulations, and policies, including those related to environmental protection.

Required protective measures, best management practices (BMPs), or Terms and Conditions of the right-of-way, relative to the BLM lands, pertain to protection of all lands that may be potentially affected by the activity on federal lands.

The authorization was designed to meet the needs of the holder and to protect natural resources based on the topographic conditions.

Signature

Authorizing Official: Don Krump Date: 4-7-2011
(Signature)

Name: Don Krump
Title: Assistant Field Manager, Minerals and Lands

Contact Person

For additional information concerning this CX review, contact Carol Sheaff, Realty Specialist, Worland Field Office, PO Box 119 Worland WY 82401, 307-347-5137.

Terms and Conditions

The following terms and conditions of approval are in addition to standard terms and conditions associated with the renewal of right-of-way grant WYW-071236

- **This right-of-way is granted for the rectifier and deep well facility as it currently exists. Normal maintenance may be conducted under this grant. However, no blading or other new surface disturbance, or rerouting may be done without specific written permission from the authorized officer.**

- **Right-of-way grant WYW-071236 is subject to the terms and conditions/stipulations of the original ROW grant.**

- **The right-of-way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, or abandoned equipment.**

- **The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.**

- **The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:**

  -whether the material appears eligible for the National Register of Historic Places;

  -the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

  -a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

- **Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.**