

**U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625-1129**

## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-N010-2014-0032-CX

CASEFILE/PROJECT NUMBER (optional): COC076517

PROJECT NAME: Ace Unit Well #11 Right-of-Way Authorization

LEGAL DESCRIPTION: Sixth Principal Meridian, Moffat, County, CO.  
T. 12 N., R. 97 W.,  
sec. 28, S½SW¼.

APPLICANT: QEPM Gathering I, LLC

DESCRIPTION OF PROPOSED ACTION: QEPM Gathering I, LLC filed an application for a Right-of-Way grant on an existing buried natural gas pipeline originally permitted and constructed under Wexpro Company's APD. The pipeline is currently owned by QEPM Gathering I, LLC.

The 3.5 inch diameter pipeline is used to transport natural gas produced from Ace Unit Well #11. The total disturbed area on public land is approximately 0.96 acres. The pipeline is 1,399 feet long by 30 feet wide. The reauthorization of any existing use pursuant to the Federal Land Policy and Management Act of 1976 is subject to terms, conditions, and stipulations existing at the time of the reauthorization. There will be no new surface disturbance without prior approval from the BLM.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The proposed action was reviewed for conformance (43 CFR 1610.5, BLM 1617.3) with the following plan:

Name of Plan: Little Snake Record of Decision and Resource Management Plan

Date Approved: October 2011

Results: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

Allow for appropriate ROW routes and development sites, while identifying areas that will not be compatible with such use. Objectives for achieving these goals include:

- Provide access for the development of roads and trails, utilities, transmission lines, communication sites, and other uses in an environmentally responsible manner.

- Provide access for the development of oil and gas pipeline routes and other uses associated with oil and gas development in an environmentally responsible manner.

Section/Page: Section 2.17 Lands and Realty/ page RMP-52

**CATEGORICAL EXCLUSION REVIEW:** The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR Part 46.210 and qualifies as a categorical exclusion under 516 DM 11.9E(16). 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 43 CFR Part 46.215 applies:

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.	___	__X__
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	___	__X__
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	___	__X__
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	__X__
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___	__X__
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	___	__X__
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	___	__X__
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	___	__X__
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	___	__X__
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	___	__X__
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	___	__X__
12. Contribute to the introduction, continued existence, or spread of		



### Exhibit A - Stipulations

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the original grants. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grants, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. Any proposal involving surface disturbance, such as replacement, maintenance, or expansion, requires an application to the BLM for analysis, and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies in existence at the time of authorization.
3. The right-of-way shall terminate without further action or notice on the part of this Bureau if at any time subsequent to its effective date, the pipeline facilities authorized are no longer necessary for the holder to service an active oil and gas well.
4. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
5. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:
  - Whether the materials appear eligible for the National Register of Historic Places;
  - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
  - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
6. If any vertebrate paleontological resources are discovered during operations, all operations affecting such sites shall be immediately suspended in accordance with Section 6 of Form 3100-11 and 43

CFR 3162.1 and all discoveries shall be left intact until holder has been authorized to proceed by the AO. The appropriate AO shall be notified within 48 hours of the discovery and a decision as to the preferred alternative or course of action will be rendered.

7. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.

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

9. The holder of the Right-of-Way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

10. No hazardous materials/waste or trash shall be disposed of on the public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.

11. All maintenance activities will be contained within the 30-foot easement, vehicular access for reclamation, maintenance and emergencies is authorized, but the easement will not be used as a road after construction is completed.

12. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. It is the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.

13. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.

14. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained after the second growing season.

15. The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal

growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

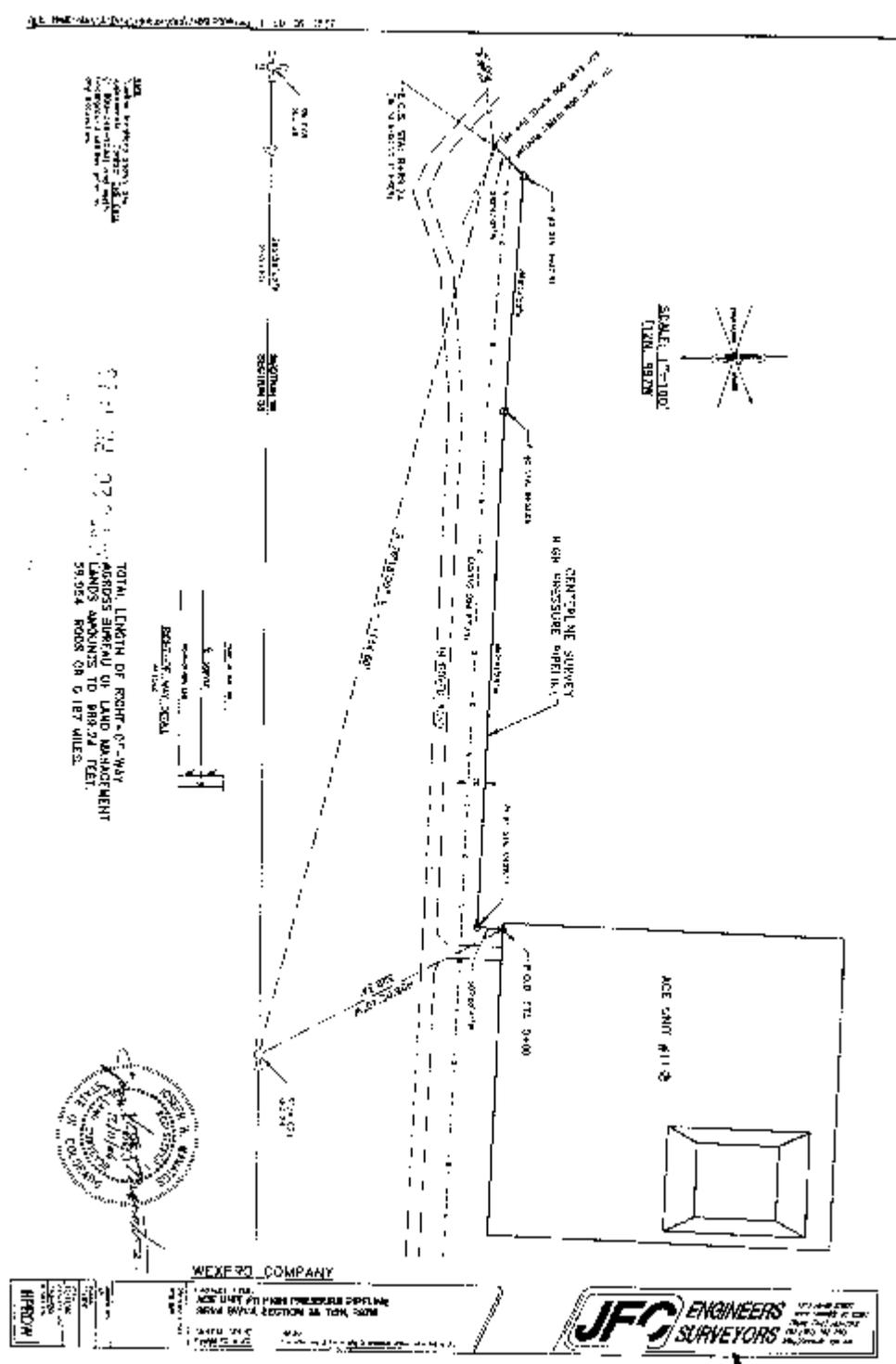
Final Reclamation Standard:

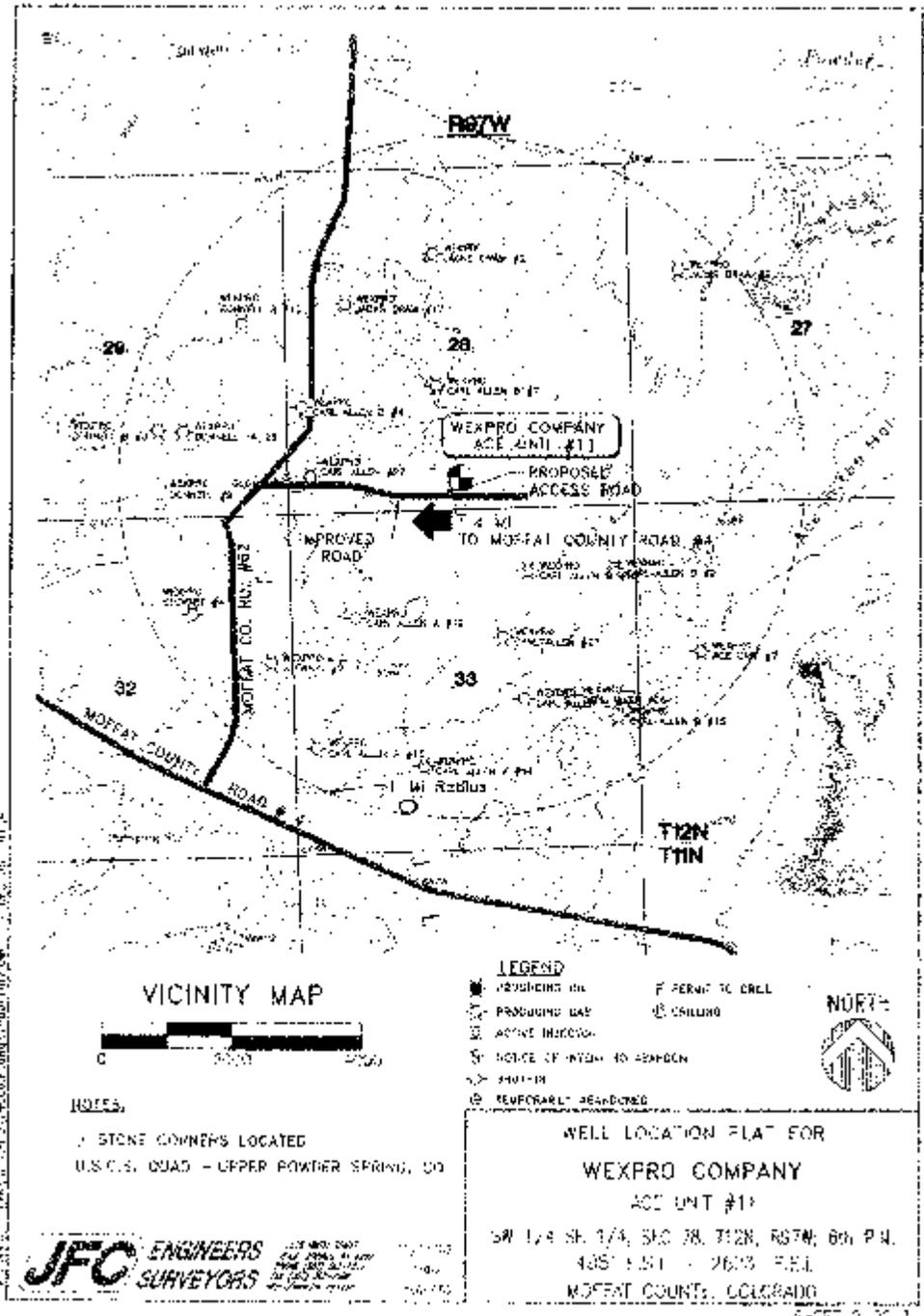
The original landform has been restored for all disturbed areas including, roads, pipelines, and utility corridors.

- A self-sustaining, vigorous, diverse, native (or otherwise approved) plant community is established on the site, with a density sufficient to control erosion and non-native plant invasion and can reestablish wildlife habitat or forage production. At a minimum, the established plant community will consist of species included in the seed mix and/or desirable species occurring in the surrounding natural vegetation. No single species will account for more than 30 percent total vegetative composition unless it is evident at higher levels in the adjacent landscape. Permanent vegetative cover will be determined successful when the basal cover of desirable perennial species is at least 80 percent of the basal cover *of the adjacent undisturbed area*. Plants must be resilient as evidenced by well-developed root systems and flowers. Shrubs must be well established and in a “young” age class at a minimum (therefore, not comprised mainly of seedlings that may not survive until the following year).
- In agricultural areas, irrigation systems and soil conditions are reestablished in such a way as to ensure successful cultivation and harvesting of crops.
- Erosion features are equal to or less than surrounding area and erosion control is sufficient so that water naturally infiltrates into the soil and gullying, headcutting, slumping, and deep or excessive rilling (greater than 3 inches) is not observed.
- The site is free of State- or county-listed noxious weeds, debris and equipment, and contaminated soil. The final inspection for final reclamation success and approval will be subject to an interdisciplinary review.

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

# Exhibit B Ace Unit #11 Map





J.F.C. ENGINEERS SURVEYORS  
 1455 W. 10TH AVE., SUITE 100, DENVER, CO 80202  
 TEL: 303.733.1111 FAX: 303.733.1112  
 WWW.JFCENGINEERS.COM

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**WELL LOCATION FLAT FOR**  
**WEXPRO COMPANY**  
 ACC UNIT #1  
 SW 1/4 SH. 1/4, SEC 38, T12N, R67W, 6th P.M.  
 435' x 51' x 2673' F.E.L.  
 MOFFAT COUNTY, COLORADO