

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DECISION RECORD

Questar ML68 Washout Temporary Use Permit **DOI-BLM-CO-N05-2015-0061-CX**

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0061-CX, authorizing the construction, operation, and maintenance of a temporary work space adjacent to existing right-of-way (ROW) for the repair of the pipeline grant COC123685.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and 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), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over

25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator’s instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator’s instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
6. A paleontological monitor will be required for work at repair work area #3.
7. If it becomes necessary to excavate into the underlying rock at sites 1 and 2 a paleontological monitor will be required when the rock formation is encountered.

Mitigation Measures

1. For reclamation the BLM recommends Seed Mix #3 for sites 1, 2 and 3 outlined in Table 1 and modified Seed Mix 3 for site 4 outlined in Table 2. It is recommended that seeding occur between September 1 and March 31. If an alternate date of seeding is requested, contact the designated Natural Resource Specialist prior to seeding for approval. Drill seeding is the preferred method of application and drill seeding depth must be no greater than ½ inch. If drill seeding cannot be accomplished, seed should be broadcast at double the rate used for drill seeding, and harrowed into the soil.

Table 1. Seed Mix 3 for Reclamation of sites 1, 2 and 3.

Cultivar	Common Name	Scientific Name	Application Rate (lbs. PLS/acre)
Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4
Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>inermis</i>	3.5
Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	3
	Needle and Thread Grass	<i>Hesperostipa comata</i> ssp. <i>comata</i>	2.5
Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5

Table 2. Modified Seed Mix 3 for Reclamation of site 4.

Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4
Critana	Thickspike Wheatgrass	<i>Elymus lanceolatus</i> ssp. <i>lanceolatus</i>	3

Magnar	Basin Wildrye	<i>Leymus cinereus</i>	3.5
	Needle and Thread Grass	<i>Hesperostipa comata ssp. comata</i>	2.5
Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5

2. All seed tags will be submitted via Sundry Notice (SN) to the designated Natural Resource Specialist within 14 calendar days from the time the seeding activities have ended. The SN will include the purpose of the seeding activity (i.e., seeding well pad, cut and fill slopes, seeding pipeline corridor, etc.). In addition, the SN will include the site number associated with the seeding activity, if applicable, the name of the contractor that performed the work, his/her phone number, the method used to apply the seed (e.g., broadcast, hydro-seeded, drilled), whether the seeding activity represents interim or final reclamation, the total acres seeded, an attached map that clearly identifies all disturbed areas that were seeded, and the date the seed was applied.

3. Each year by January 1st Questar will submit a Reclamation Status Report to the WRFO that includes the site numbers, legal description, UTM coordinates, project description (e.g., well pad, pipeline, etc.), reclamation status (e.g., interim or final), whether the pipeline has been re-vegetated and/or re-contoured, date seeded, photos of the reclaimed site, acres seeded, seeding method (e.g., broadcast, drilled, hydro-seeded, etc.), and contact information for the person responsible for developing the report. The report will include maps showing each point (i.e., well pad), polygon, and/or polyline (i.e., pipeline) feature that was included in the report. The data must be submitted in UTM Zone 13N, NAD 83, in units of meters. In addition, scanned copies of seed tags that accompanied the seed bags will be included with the report. Internal and external review of the WRFO Reclamation Status Report and the process used to acquire the necessary information will be conducted annually, and new information or changes in the reporting process will be incorporated into the report.

4. The operator will meet the following reclamation success criteria, and these standards apply to all reclamation:
 - a) Self-sustaining desirable vegetative groundcover consistent with the site Desired Plant Community (DPC) (as defined by the range site, WRFO Assessment, Inventory, and Monitoring (AIM) protocol site data (BLM TN 440), ecological site or an associated approved reference site) is adequately established as described below on disturbed surfaces to stabilize soils through the life of the project.
 - b) Vegetation with eighty percent similarity of desired foliar cover, bare ground, and shrub and/or forb density in relation to the identified DPC. Vegetative cover values for woodland or shrubland sites are based on the capability of those sites in an herbaceous state.
 - c) The resulting plant community must have composition of at least five desirable plant species, and no one species may exceed 70 percent relative cover to ensure that site species diversity is achieved. Desirable species may include native species from the surrounding site, species listed in the range/ecological site description, AIM data, reference site, or species from the BLM approved seed mix. If non-prescribed or

- unauthorized plant species (e.g., yellow sweetclover, *Melilotus officinalis*) appear in the reclamation site BLM may require their removal.
- d) Bare ground does not exceed the AIM data, range site description or if not described, bare ground will not exceed that of a representative undisturbed DPC meeting the Colorado Public Land Health Standards.
5. All equipment that may act as a vector for weeds must be cleaned before entering the project areas.
 6. Application of herbicides must comply with the *Vegetation Treatments on Bureau of Land Management Lands in 17 Western States Programmatic Environments Impact Statement* (EIS), and the WRFO Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA).
 7. All seed, straw, mulch, or other vegetative material to be used on BLM lands will comply with United States Department of Agriculture (USDA) state noxious weed seed requirements and must be certified by a qualified Federal, State, or county office as free of noxious weeds. Any seed lot with test results showing presence of State of Colorado A or B list species will be rejected in its entirety and a new tested lot will be used instead. All areas identified to be disturbed under this proposal will be monitored and treated for noxious weeds on an annual basis for the life of the project until Final Abandonment has been approved by the Authorized Officer.
 8. Pesticide Use Proposals (PUPs) must be submitted to and approved by the BLM before applying herbicides on BLM lands. The PUP will include target weed species, the herbicides to be used, application rates and timeframes, estimated acres to be treated, as well as maps depicting the areas to be treated and known locations of weeds. The WRFO recommends that all PUPs be submitted no later than March 1st of the year anticipating herbicide application.
 9. If the operator damages any range improvement project(s) (e.g. fences, gates, water development, cattleguards) the operator will notify the Authorized Officer through Sundry Notice (Form 3160-5) and identify the actions taken to repair the feature(s) promptly. Repairs must be prior to the livestock grazing permittee's need to utilize the range improvement.
 10. Dust suppression will be accomplished only with fresh water free of any chemicals, oils or solvents.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Public Involvement

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on 05/28/2015. No comments or inquiries have been received.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E.19. 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 46.215 apply.

Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

This decision will take effect immediately upon the date it is signed by the Authorized Officer and will remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official



Field Manager



Date