

**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-N010-2015-0037-CX

CASEFILE/PROJECT NUMBER: COC077246

PROJECT NAME: Temporary Surface use Pipeline for Diamond T-Sheep 7-29-2-26 H Well

LEGAL DESCRIPTION: 6<sup>th</sup> PM, T. 7 N., R. 92 W., sections 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Moffat County, CO.

APPLICANT: SWN Production Company, LLC

DESCRIPTION OF PROPOSED ACTION: SWN Production Company, LLC filed an application requesting a temporary use permit for a fresh water transportation pipeline to facilitate the completion of and oil and gas well located on private surface and private minerals. The water transport line is proposed to be located on BLM surface along the west side of Moffat County Road 81.

The temporary water line will consist of 8" to 12" diameter rigid poly line or layflat polyurethane line. The installation of the line will take approximately 2 days and be in place for 30 days. The installation of the line will require no changes to the land surface other than the mowing of tall grass. Approximately 200,000 bbls of fresh water will be transported through the pipeline. Trucking was considered an option but was not selected because an estimated 1,750 truck trips both directions on County Road 81 would increase the traffic and affect the private home owners on the eastern side of the road. The temporary line will be removed within 2 days completion of the well completion project.

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:

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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 qualifies as a categorical exclusion under 516 DM 11.9, E., (12): Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X

Extraordinary Circumstance	YES	NO
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

Title	Resource	Date
Archaeologist	Cultural Resources	8/14/2015
Rangeland Mgmt Spec	T&E Plants	8/3/2015
Wildlife Biologist	T&E Animals	08/05/2015

REMARKS:

*Cultural Resources: A review of records maintained at the LSFO determined that the BLM land affected by the proposed water pipeline was surveyed for cultural resources in 2011 with negative results.*

*Native American Concerns: No Native American sites are to be affected by the proposed pipeline and the project is not within an area known to be of importance to Indian people.*

*Special Status Wildlife Species: None*

*Special Status Plant Species: None*

MITIGATION: Exhibit B

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

NAME OF PREPARER: Louise McMinn

NAME OF ENVIRONMENTAL COORDINATOR: *Kathy McKinstry* *8/19/15*

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E (12). 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.

SIGNATURE OF AUTHORIZED OFFICIAL: *Justin G. Wa*  
*for* Field Manager

DATE SIGNED: *8/31/15*

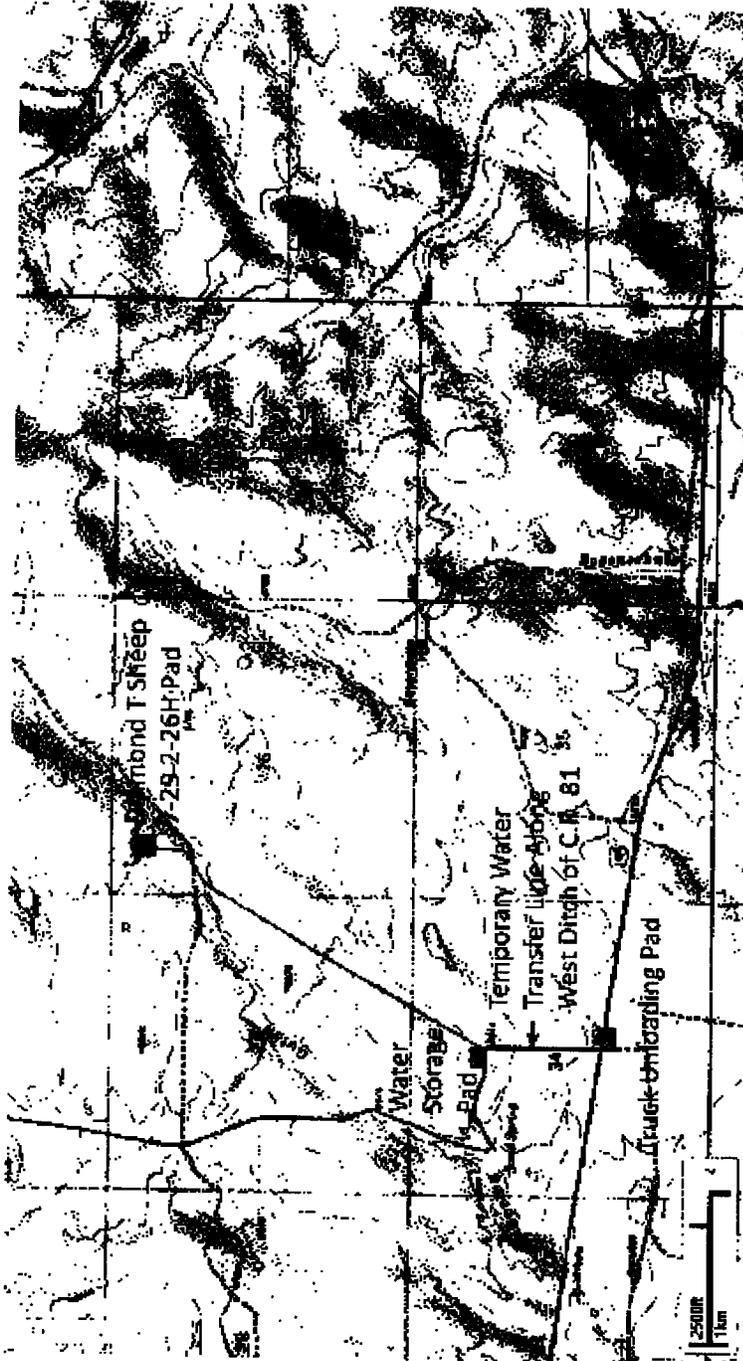


Figure 1: Topographic Map of Water Transfer Route to Diamond T Sheep 7-92 2-26 Well Pad

**SWN**  
Production Company

Exhibit B  
Stipulations  
COC077246

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 facilities authorized are no longer needed to transport water.
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. Standard Stipulations to Protect Cultural Resources and Human Remains:
  - a. Pursuant to 43 CFR 10.4(g) the holder of this authorization or its contractor must notify the Authorized Officer (AO), by telephone, 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), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
  - b. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological remains are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials, and immediately contact the AO. Within five working days the AO will inform the operator as to the mitigation measures the operator will

likely have to undertake before the site can be used (assuming in place preservation is not necessary).

c. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.

d. A "Notice to Proceed" stipulation shall be required for any non-emergency activities as defined above that would cause surface disturbance on the ROW. Any request for a "Notice to Proceed" should be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

4. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

5. The rights-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/road facilities authorized are no longer necessary for the holder to service an active oil and gas well.

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

7. 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.

8. The holder of the Rights-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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 gullyng, head cutting, 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.

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**DECISION RECORD**

**PROJECT NAME:** SWN PRODUCTION COMPANY, LLC

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2015-0037-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2015-0037-CX, authorizing a temporary surface pipeline to SWN Production Company, LLC.

**Mitigation Measures** Exhibit B

**COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the **Little Snake Field Office** Record of Decision/Approved Resource Management Plan.

**PUBLIC INVOLVEMENT**

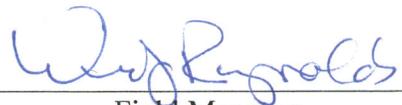
**RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E 12). 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.

**ADMINISTRATIVE REMEDIES** Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM'S Little Snake Field Office Internet website.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

8/31/15