

Seminoe Pipeline and Compressor

Dear Reader:

Enclosed please find a copy of the Seminoe Road Natural Gas Gathering Pipeline, Access Road, Compressor Station, Storage Yard/Access Road Project *Decision Record and Finding of No Significant Impact*. On August 9, 2002 the BLM released the *Environmental Assessment (EA)* for public comment. The purpose of the comment period was to provide the public with the opportunity to review and comment on the document before the BLM made a final determination on the action.

The comment period ran for a period of 30 days. Notice that the EA was available was given using news releases, by letter to known interested publics, and by posting the document and associated supporting materials on the BLM website. The EA was available for review either by downloading it from the internet, over the counter from the Rawlins Field Office in Rawlins, or by mail. Sixteen requests for copies of the EA were received. Eight comments were received. The BLM's responses to those comments are detailed in Appendix A of the Decision Record.

A copy of this decision has been sent to governmental entities, individuals, and organizations who commented on this project. The BLM wishes to thank those who participated in this process by reading and/or commenting on the Environmental Assessment or otherwise providing input. Your input has been essential in assuring important issues were fully considered.

If you have any questions regarding this decision please contact David Simons, Project Lead, at the address shown above, by phone at (307) 328-4328, or via e-mail at David_Simons@blm.gov.

Sincerely,

/s/ Kurt Kotter

Field Manager

DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT

Dudley & Associates, LLC.

Seminole Road Coalbed Methane Natural Gas Gathering Pipeline/Access Road and Compressor Station/Storage Yard/Access Road Project

EA No. WY-030-EA2-229

Introduction

Dudley & Associates, LLC of Denver Colorado has proposed to construct a natural gas compressor facility and pipeline in the vicinity of the Seminole Road Coalbed Methane Pilot Project (Pilot project) located in Carbon County, Wyoming. Portions of this proposal would be located on private lands, and portions of this project would be located on federal lands administered by the Bureau of Land Management (BLM), Rawlins Field Office. The compressor station would compress and prepare natural gas from the Pilot project for shipment into the pipeline. The pipeline would be used to transport the compressed gas from the Pilot project area to a natural gas distribution network 20.3 miles south and east of the compressor facility in the vicinity of Walcott, Wyoming. Construction and operations activities will require road improvements within previously disturbed areas of some existing roads. No new road construction is proposed. Details of project design, operation, and construction are found in the "Plan of Development" (POD) for both the Compressor Station and for the Pipeline.

Alternatives Considered

The Environmental Assessment (EA) for the Seminole Road Natural Gas Gathering Pipeline/Access Road and Compressor Station/Storage Yard/Access Road Project considered two alternatives. The "No Action" alternative assessed the effects of not implementing any portion of Dudley's proposal. The Proposed Action Alternative assessed and disclosed the projected effects of Dudley's proposal as outlined above and detailed in the "Proposed Action" portion of the environmental assessment. Several alternative locations and designs for the pipeline route, compressor station/storage yard, and access roads were considered during the development of the Proposed Action. The locations and designs proposed in the Plans of development were selected to minimize and/or eliminate potential adverse project impacts to wetlands/riparian areas, wildlife (including mountain plover), known cultural resource sites, visually sensitive areas, and important recreation areas.

Decision

Based upon the analysis of the potential environmental impacts described in the EA, and the public, agency, and industry comments received to the environmental assessment, I have selected the Proposed Action alternative to be implemented.

Approved Project Components

- Grants of rights-of-way for the parcels detailed on pages 1 and 2 of the EA
- Construction, operation, and maintenance of the pipeline, compressor station, storage yard, and access roads as detailed for the Proposed Action on pages 4 through 10 of the EA and in the applicable PODs.

Rationale for Decision

Compared to the "No Action" alternative, the Proposed Action best meets and is consistent with the direction, decisions, and guidance found in the Great Divide Resource Management Plan (RMP). This includes the oil and gas management objective of providing opportunity for development of oil and gas resources (RMP page 30) and the lands program management actions for

utility/transportation systems which state public lands will be open to consideration for placement of utility/transportation systems (RMP, page 15).

This proposal will have minimal effects on the environment while allowing natural gas produced by the Seminoe Road Coalbed Methane Pilot Project to be shipped to market for productive use. The proposed action is consistent with National Policy and Agency statutory requirements, including the Federal Land Policy and Management Act, and implementing rules and regulations including the U.S. Code, Title 43 Chapter 35, and 43 CFR Subtitle B, Chapter 2. With issuance of the proper permits this decision is consistent with all federal, state, and county authorizing actions required.

The BLM requested comments on this EA from the public, local landowners; and Federal, State, Local and County Agencies. 16 requests for copies of the EA were received via mail, phone, and walk-in visits. In addition, the EA and its appendices and reference documents were posted on the BLM Wyoming internet site for review and downloading. The comment period ran from August 9, 2002 to September 9, 2002 and eight comments were received by the BLM. The summarized comments and BLM's responses are found in Appendix B of this document.

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in the EA, with implementation of the protective measures found in its appendices and the applicable POD, this document, and comments received from public review, I have determined that the impacts from this project will not be significant and an environmental impact statement is not required.

Appeal

Under BLM regulation this decision is subject to appeal (43CFR 2804.1). The "Notice of Appeal" must be filed within 30 days of this decision (43CFR 4.411; 43CFR 4.413). This appeal procedure is detailed in Appendix C of this document.

/s/ Kurt Kotter

Rawlins Field Manager

September 27, 2002

Date

Appendix A

ERRATA

Modifications and Corrections To The Seminoe Road Pipeline and Compressor Environmental Assessment

1. Visual Resource Management Class II and Class III Presence

On page 13 of the EA, it is stated:

“Visual Resources. The Proposed Project is located within a Visual Resource Management (VRM) Class III area. In a Class III area, changes in the basic elements of the characteristic landscape may be evident while remaining subordinate to the visual strength of the existing character of the landscape. Project activities may attract attention, but should not dominate the view of the casual observer. Project related changes should repeat the basic elements of form, line, color, and texture found in the predominant natural landscape features. With the implementation of mitigation measures as described in ROW application PODs the Proposed Project would not violate VRM Class III standards.”

There would be both short-term and long-term impacts to visual resources. During construction, dust plumes from traffic may be apparent in the vicinity of access roads and construction sites. However, this visual impairment would only occur during construction. The compressor station and other aboveground features would remain visible for the LOP.

Dudley, working with the BLM VRM Specialist to reduce long-term impacts and visual intrusions to the Seminoe Road Scenic Byway have sited project facilities on both public and private lands behind hills and ridges. With the exception of the compressor station, roads, block valves, pipeline markers, pigging stations, and storage tanks there are no permanent surface facilities associated with the Proposed Project, and Dudley has designed these facilities to minimize disturbance, preserve viewsheds, and conform to the standards for VRM Class III areas.

This text is corrected to read:

Visual Resources. The Proposed Project is located within both Visual Resource Management (VRM) Class II and III areas, with the majority of the project within VRM Class III. In the Class III areas, changes in the basic elements of the characteristic landscape may be evident while remaining subordinate to the visual strength of the existing character of the landscape. Management actions may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements of form, line, color, and texture found in the predominant natural landscape features.

The Class II area covers approximately 6 miles of the pipeline route on both sides of the North Platte River crossing. Management actions should not be evident in the characteristic landscape. The management objective in this area is to retain the existing character of the landscape; changes should repeat the basic elements of form, line, color, and texture found in the predominant natural characteristic landscape. While management activities may be seen, they should not attract the attention of the casual observer.

Following construction of the pipeline, the only above ground feature that would be present within the VRM Class II area would be the block valve. The block valve is an important safety feature for the pipeline, and in this instance must be sited approximately where it is in order to properly perform its function. It is relatively small, located at its closest about 2 miles away from the Seminoe Road, and over

a mile from the North Platte River. Locating it in VRM type II lands cannot be avoided. The remainder of this project is either below ground in VRM type II and III areas, or above ground in VRM type III lands. This includes the biggest above ground feature, the compressor station and work/storage yard. The compressor station and other above ground features would remain visible for the LOP.

There would be both short-term and long-term impacts to visual resources. During construction, dust plumes from traffic and construction may be apparent in the vicinity of access roads and construction sites. Some dust plumes may be visible at times from pipeline monitoring and maintenance operations. Soil disturbed in the process of constructing and burying the pipeline will be returned to the general point of origin. The disturbed area will be reclaimed and vegetation will return to approximately its original state as it re-establishes and grows. Dudley has worked with the BLM VRM Specialist to reduce long-term impacts and visual intrusions to the Seminole Road Scenic Byway by siting project facilities on both public and private lands behind hills and ridges.

2. Bald Eagle Nest Presence

The EA, page 12 states:

“Although bald eagle observations have been made on and adjacent to project-required lands, no known bald eagle nests or winter roosts are known to occur within 1.0 mi of the area. Migrating eagles and those wintering at locations sufficiently close to the Proposed Project may occasionally fly over or forage on the area. However, since no known nests or roosts occur near the Proposed Project, nor are nests or roosts likely to be established, the Proposed Project is not likely to adversely affect bald eagle.”

EA comments from the Wyoming Game and Fish Department have indicated that a Bald Eagle pair “have made at least one recent attempt at nesting.....within 1 mile of the proposed pipeline corridor”.

Consultation with the US Fish and Wildlife Service regarding Bald Eagles resulted in a “not likely to adversely affect” determination. Their concurrence was not based on BLM’s original conclusion that “no known nests or roosts occur near the proposed project”. Their concurrence was based on pipeline construction being completed outside of the nesting period.

The EA text above is corrected to read:

“Bald eagle observations have been made on and adjacent to project-required lands. Recent information indicates a Bald Eagle pair has attempted to nest within 1 mile of the pipeline corridor in the recent past. Timing stipulations would prevent pipeline construction during the nesting period for these birds, and surveys of the recent nesting area would be conducted to determine if the birds are attempting to nest within 1 mile of the pipeline corridor. Migrating eagles and those wintering at locations sufficiently close to the Proposed Project may occasionally fly over or forage on the area. The Proposed Project is not likely to adversely affect the bald eagle.”

Cultural Resources

The EA, on page 9 states:

“To minimize potential impacts to cultural resources, Dudley and its contractors would inform employees about relevant federal regulations protecting cultural resources. If any cultural remains, monument sites, objects, or antiquities subject to *The National Historic Preservation Act of 1966* or the *Archeological Protection Act of 1979* are discovered during construction, construction activities would immediately cease, and the BLM would be notified. If this occurs, Dudley would comply with all resulting recommendations made by the BLM and Wyoming State Historical Preservation Office.”

The EA text is corrected to read:

“To minimize potential impacts to cultural resources, Dudley and its contractors would inform employees about relevant federal regulations protecting cultural resources. If any cultural remains, monument sites, objects, or antiquities subject to *The National Historic Preservation Act of 1966* or the *Archeological Protection Act of 1979* or other applicable laws or regulations are discovered during construction, construction activities would immediately cease, and the BLM authorized officer would be notified. If this occurs, Dudley would comply with all resulting recommendations made by the BLM.”

Appendix B

Summary of EA Comments and BLM Responses

Comments received from:

State of Wyoming

State Agencies with comments to the effect of “no comment” or “no concern”:

- State Engineer's Office
- Office of Federal Land Policy
- Office of State Lands and Investments
- Department of State Parks & Cultural Resources / State Historic Preservation Office

State Agencies with other comments

Department of Environmental Quality (WDEQ)

1. Temporary Discharge Permit

“Any discharges to “waters of the state” must be permitted under the National Pollutant Discharge Elimination System (NPDES) program.....”

The environmental assessment (EA) on page 6 states:

“Dudley would discharge test water into ephemeral drainages at a rate commensurate with drainage capacity. Prior to discharge, Dudley would obtain all necessary discharge permits from the WDEQ and would ensure that appropriate erosion control equipment (e.g., energy dissipaters) is installed.”

2. Storm Water Associated with Construction Activities

“This permit is required any time a project results in clearing, grading, or otherwise disturbing five or more acres.

The EA states on page 7, under “Proposed Action Environmental Protection Measures”:

“Dudley would obtain all applicable authorizations prior to project development and would comply with applicable authorizations prior to project development and would comply with all applicable rules and regulations during project construction and operation.”

3. Section 404 permit

“This project will require a Section 404 permit from the US Army Corps of Engineers”.

The EA on page 11 states:

“ Surface water in the area occurs in the North Platte River and Saint Mary's Creek; however impacts to these resources would be minimized by: avoiding surface waters through the use of boring and directional drilling techniques; adhering to the mitigation measures identified in the SWPPP (see Attachment 3); and complying with the Clean Water Act, recommendations specified in the Jurisdictional Wetlands and Other Waters of the U.S. Report (see Appendix C of the Pipeline and Access Road POD), and associated U.S. Army Corps of Engineers 404 Permit requirements. No wetlands and less than 0.1 acre of waters of the U.S. would be affected by the Proposed Project.”

4. Effects to surface water quality

“The Department of Environmental Quality would like to see the NEPA analysis and resulting construction project address any potential effects to surface water quality that may occur as a result of existing or proposed construction practices in riparian areas.”

Please refer to response #3 above

5. Erosion prevention

“...every effort to prevent erosion of any kind should be taken.”

Please refer to response #3 above

In addition, the EA on page 8 states:

Dudley would ensure that topsoil sufficient to facilitate revegetation is segregated from subsoils during all construction operations and returned to the surface upon completion of operations. Dudley would keep the area of disturbance to the minimum necessary for safe project construction and operation by utilizing previously disturbed areas for project construction and access, and by clearly designating ROW boundaries and associated equipment/materials storage yards and staging areas. Dudley would further protect soils by avoiding construction activity during particularly muddy times and by using the practices identified in the project-specific Stormwater Pollution Prevention Plan (SWPPP) (see Attachment 3).

All disturbed ROW areas would be reseeded to landowner or BLM specifications. Seeding would take place as soon as practical after completion of construction, most likely during the spring of 2003. If conditions permit, seeding may occur immediately after construction in fall 2002. Seeding would be repeated until a satisfactory stand is established as determined by the BLM or landowner.

Department of Game and Fish (WGF)

1. Compressor plant noise

"We are concerned by the assumption that most wildlife would simply become accustomed to noises from this compressor plant."

- There are two sage grouse leks found near the project area.

The BLM estimates that the two lek locations detailed in this comment are over 9 miles and 10 away from the compressor station. Noise from the compressor station will not effect sage grouse breeding from that distance. No leks are known to exist within 2 miles of the compressor facility. This was one fact used in determining the site for the compressor station facility in the original development of the Proposed Action. The EA states on pages 10 and 11:

"Noise and Odor. Like pollutant emissions, noise and odors associated with the Proposed Project would occur in two phases--during construction and operation. Short-term noises and odors would occur proximal to construction areas during construction, whereas long-term noise increases and odors would occur near the compressor station site. The Proposed Action would increase noise levels in the immediate area due to construction and compressor station operation. Wildlife in the area may be adversely affected; however, only temporary wildlife displacement would occur during construction activities, and it is anticipated that most wildlife would adapt to the long-term increased noise levels associated with the compressor station. Furthermore, because of the remoteness of the area and considerable availability of adjacent areas with few human noise sources, project-produced noise would likely have a negligible affect on the human environment"

2. Pipeline Construction Noise

"...the EA should address construction activities that take place during the breeding season (March 1- May 15) avoiding the period 6 PM to 9 AM if those activities take place within ¼ mile of the lek."

"Noise from the pipeline would occur only during construction. Construction is scheduled to occur outside of the sage grouse breeding season. The EA, on page 12 states:

Three sage grouse leks are known to occur within 2 mi of project-affected lands, and of these, one lek located in NENW of Section 5, T22N, R85W, occurs within 0.25 mi of proposed Access Road #2. However, no surface disturbance activities are proposed for this road segment, nor is any other surface disturbance proposed within 0.25 mi of any known leks. Approximately 8.3 mi of the proposed pipeline route would be constructed within 2.0 mi of known sage grouse leks, and this area as well as other sagebrush-dominated areas are likely used for sage grouse nesting, brood rearing, and wintering. However, since project construction is proposed for August–November (i.e., outside of important sage grouse nesting,

brood rearing, and wintering periods), Proposed Project impacts would be negligible “

3. Bald Eagle Presence

“The EA should address effects of pipeline monitoring and maintenance activities on nesting eagles.”
The BLM appreciates WGF bringing bald eagle nesting attempt information to our attention. Please refer to the corrected text detailed at Correction #2 in Appendix A of this document.

4. Possible impacts to burrowing owls.

“The EA should address possible impacts on burrowing owls that may nest in prairie dog towns within the project area.”

Burrowing owls are considered to be raptors for the purposes of this project. Page 12 of the EA States in part:

“A search of the BLM database (i.e., overlay information) revealed numerous raptor nests within 1.0 mi of Proposed Project features. The activity status of many of these nests is unknown. Since project construction is proposed for August-November (i.e., outside of the raptor nesting season [February 1-July 31]), Proposed Project impacts would be minimal.”

If work should be proposed during the raptor nesting season, The EA states in part on page 7:

“The BLM may consider exceptions to these measures on a case-by-case basis if a thorough analysis determines the resource for which the measure was developed would not be affected by the Proposed Project.”

5. Boring under stream channels

“We appreciate the decision to bore under the North Platte River and Saint Mary’s Creek. Boring pits should be located far enough back from the channel that stream bank stability is not reduced.”

The EA, at pages 4 and 5, states in part:

“A 100-ft wide temporary construction ROW and a 50-ft wide permanent (30-year) operating ROW would be required for the 20.3-mi pipeline route. The 100-ft temporary construction ROW width would be sufficient for all pipeline construction activities including boring and staging activities at the Union Pacific Railroad/Saint Mary’s Creek crossing, where the pipeline would be bored underground for approximately 335 ft underground. However, directional drilling operations designed to avoid disturbing wetlands, riparian areas, and cultural resources at the North Platte River would require additional temporary work space on both sides of the 100-ft construction ROW on both the north and south sides of the river. The pipeline would be drilled for approximately 1,500 ft underground at this crossing. A 150-ft wide by 250-ft long temporary (3-week) construction ROW on the south side of the river (50 x 250 ft outside the 100-ft pipeline construction ROW), and a 200-ft wide by 200-ft long temporary construction ROW on the north side of the river (100 x 200 ft outside the 100-ft pipeline construction ROW) would be required to allow for directional drilling operations and related storage and staging activities.”

In the Plan of Development for the Pipeline on page 9, part 4.5 the POD states:

“The pipeline will travel beneath the North Platte River. A directional drilling method will be used for this crossing. The pipeline will travel under the riverbed at a maximum depth of 15 feet. The directional drill pads will be located far enough away from the river to ensure that no wetlands, riparian areas or cultural resources are effected.; thus causing the total length of the directional drill to be approximately 1,500 feet.....”

For the St. Mary’s creek crossing, the Pipeline POD states:"

“The pipeline will be placed under the Union Pacific Railroad/St. Mary’s Creek at a depth of 16.6 feet using a horizontal bore. The length of this crossing will be 335 feet to minimize disturbance and to ensure no wetlands, riparian areas, cultural resources, or railroad operations are affected.”

The EA states on page 11, under “Water Resources”:

“No wetlands and less than 0.1 acre of waters of the U.S. would be affected by the Proposed Project.”

6. Stream bank re-stabilization

"The EA should address a requirement that any stream banks that are disturbed should be re-stabilized."

Please see the response to #5 above. In addition, please refer to WDEQ response #3.

7. Leaving riparian canopy or stabilizing vegetation in place.

"The EA should address the following: Leaving riparian canopy or stabilizing vegetation in place. Crushing or shearing streamside woody vegetation is preferable to complete removal. Vegetation that is removed in conjunction with stream crossings should be re-established immediately following completion of the crossing. If the pipeline runs parallel to drainages, it should be located outside the 100-year floodplain. Pipeline crossings of riparian areas and stream should be at right angles to minimize the area of disturbance."

Please see the response to #5 above. In addition, please refer to WDEQ response #3.

8. Culverts.

"The EA should address the need for culverts."

The EA, on page 10, states in part:

"All overflow and roadway ditches crossed by the pipeline will be cleared of any material, which could obstruct water flow. Work would be accomplished so that reasonable conformance to the previous line, grade, and cross section is achieved. If any culverts clog due to project activities, the culvert would be cleared to provide unobstructed flow. All applicable road design and maintenance requirements, sewage and garbage disposal requirements, the SWPPP, appropriate speed limits, and noise and odor control requirements would be implemented.

9. Riprap.

"A pad of riprap placed on the downstream side of the culvert will help dissipate stream energy and reduce erosion."

Please refer to the response to comment 1 of the WDEQ comments. In addition, please refer to WDEQ response #3.

Comments received from:

Joe Yelton

1. Coalbed Methane

Coalbed methane (any mineral, for that matter) development in the State of Wyoming should be evaluated very closely to determine the long term effects on the land."

This Proposed Action does not propose or consider the extraction of coalbed methane, although the subject pipeline is proposed to transport natural gas produced from the Seminoe Road Coalbed Methane Pilot Project.

2. Water table.

What will happen to the water table?

The EA, on page 11, under "Water Resources" states:

"Ground water would not be affected by the Proposed Project."

3. Socio-economic effects

"What are the socio-economic effects?"

The EA states, on page 14:

Socio-economics. Project construction and operation would have a benefit on the local economy through increased revenues from production royalties and other taxes as well as through potential employment opportunities.

4. Produced water.

"The water issue is foremost in my mind."

“...water that is pumped out of the ground to extract the gas can readily be pumped back into the ground it came from.”

This EA does not propose or consider the effects of pumping or disposing of water, except for that which will be used to hydrostatically test the pipeline for soundness. The EA states on page 6:

“Dudley would use water as needed for dust control during construction. The pipeline would be pressure tested by filling the pipeline with water and pressurizing it to no less than 125% of its designated operating pressure for eight hours to verify mechanical integrity. Test and dust control water would be acquired either from the Sinclair municipality or from existing Pilot Project operations. A total of approximately 950,000 gal of water would be required for dust control and testing.”

Dudley would discharge test water into ephemeral drainages at a rate commensurate with drainage capacity. Prior to discharge, Dudley would obtain all necessary discharge permits from the WDEQ, Water Quality Division (WQD) and would ensure that appropriate erosion control equipment (e.g., energy dissipaters) is installed.”

Comments received from:
US Fish and Wildlife Service

1. Permanent facilities

“...the project description does not discuss any above ground permanent facilities or access roads near the North Platte River...”

The closest above ground feature to the North Platte River is the block valve facility located in T22N R85W section 4. This feature is approximately 1.2 miles from the North Platte River crossing, and is necessary for the safe operation of the pipeline. It must be located in its approximate position in order to function properly. No other permanent above ground facilities are planned for this project in the North Platte River vicinity.

2. Disturbance free buffer for bald eagles

“A disturbance free buffer zone of 1 mile should be maintained around eagle nests and winter roost sites. Activity within 1 mile of an eagle nest or roost may disturb the eagles and result in “take”. Please ensure the pipeline construction is completed between August 1, 2002 and February 1, 2003 to avoid disturbance during the nesting season. If the scope of this portion of the pipeline should change.... Please contact this office so that we may work together to ensure future successful nesting seasons for this particular nest as well as any other nests that may be initiated along the river.”

As detailed in the EA, no effect on raptors is expected from pipeline operations, other than those associated with noise in the immediate vicinity of the compressor station. Construction activities are expected to create some localized short term displacement of raptors. The BLM expects that monitoring of raptor nesting sites will be continued in the Seminoe Road vicinity. As disclosed earlier in this document, WGF reports there have been attempts by Bald Eagles to nest in the vicinity of the pipeline. Timelines for pipeline construction should avoid conflicts with bald eagles, however if any project activities should be on-going during the nesting period, activities within the vicinity of a nesting site would be prohibited by raptor timing stipulations for the protection of the birds during the nesting period. BLM intends to stay in contact with the US Fish and Wildlife Service to ensure successful nesting by raptors in the area.

3. North Platte River water depletions.

“Any actions that may result in a water depletion to the Platte River system should be identified. The environmental document should also include an estimate of the amount and timing (by month) of average annual water depletion (both existing and new depletions), and describe methods of arriving at such estimates. The Bureau will need to consult with this office if a water depletion of the Platte River system is anticipated.”

The EA states, on page 13:

“Since 1978, the USFWS has consistently taken the position in its Section 7 consultations that federal agency actions resulting in water depletions to the North

Platte River system may affect the endangered whooping crane, interior least tern, pallid sturgeon, and eskimo curlew, as well as the threatened piping plover, bald eagle, and western prairie fringed orchid. Since no North Platte River depletions would occur from this project, the project would not adversely affect these species."

If an action that may result in depletion of water from the North Platte system should be proposed, the BLM will consult with the USFWS prior to any such action.

4. Hydrostatic test water quality.

"The Service is also concerned with potential impacts to fish and wildlife resources from trace elements that may be present in the CBM produced water."

The EA, on page 6 states:

"Dudley would discharge test water into ephemeral drainages at a rate commensurate with drainage capacity. Prior to discharge, Dudley would obtain all necessary discharge permits from the WDEQ, Water Quality Division (WQD) and would ensure that appropriate erosion control equipment (e.g., energy dissipaters) is installed."

Comments received from:

Miller Estate Company

1. Regulations will not permit final approval

"...we have been assured on numerous occasions that the BLM's regulations will not permit final approval of this project until such time as the private land owners have given approval.."

The BLM may proceed with its decision to grant right-of-way leases and to approve the proposed action, however realistically and functionally the pipeline project cannot proceed without landowner approval or clearance. Pipelines are linear features that cannot function if not fully interconnected and completed.

2. Project postponement

"It is our request that approval for the project be postponed indefinitely until such time as the concerns by landowners have been adequately addressed."

As detailed in #1 above, the project cannot proceed until such time as the concerns of the landowners have been adequately addressed.

3. Environmental Impact Assessment

"Such a delay will also give adequate time for a complete environmental impact statement to be performed and will minimize the adverse effects on the land during this severe drought period."

The "Decision Record and Finding of No Significant Impact" portion of this document states:

"Based on the analysis of potential environmental impacts contained in the attached EA, and comments received from public review, I have determined that the impacts from this project will not be significant and an environmental impact statement is not required."

3. Serious detrimental effects

"The project has already had and will continue to have a serious detrimental effect on the yield, usefulness, and therefore the value of our leasehold on BLM lands."

Since no ground disturbing activities have occurred for this project to date, there have been no environmental effects from this project. Implementation of this project will have effects as disclosed in the environmental analysis. In the EA, page 12, the effects of this project on livestock grazing are detailed. The EA states:

Livestock Grazing. Livestock grazing does occur on project-required lands and the Proposed Action would not preclude livestock grazing. Livestock may be temporarily displaced during construction; however, they would return to most areas after completion of construction. Impacts to livestock grazing because of the presence of long-term project features would be minimal. It is estimated that the general livestock carrying capacity of the area is between 7 and 9 acres per animal

unit month (AUM); therefore, temporary forage loss is estimated to be approximately 34 to 44 AUMs and LOP loss is estimated to be approximately 14 to 18 AUMs.

The EA, on pages 8 and 9, further states:

Seeding and stabilizing of disturbed areas would be conducted in accordance with BLM-approved reclamation guidance and would include: initiating revegetation operations in the first appropriate season after completion of construction activities; recontouring and use of BLM-approved native species during revegetation to aid in soil stabilization; restricting project-related travel to designated ROWs unless there is an emergency; avoiding areas with high erosion potential and/or rugged topography, where practical; employing environmental protection measures identified in the SWPPP; ensuring that reclamation activities include the use of fencing when wildlife and/or livestock are impeding successful vegetation growth; and minimizing the removal or disturbance of vegetation by developing and implementing reclamation protocol as described in Appendices C, D, and F of the Decision Record and FONSI for the Pilot Project (BLM/WY/PL-01/017+1310).

4. Effects of the proposed compressor.

"Further, the noise, smell and visual effect of the proposed compressor all have negative impact on the human environment of the landowners and others who live, work and recreate in the area."

Noise and odor impacts from the compressor station are detailed on page 10 and 11 of the EA. It states:

Noise and Odor. Like pollutant emissions, noise and odors associated with the Proposed Project would occur in two phases--during construction and operation. Short-term noises and odors would occur proximal to construction areas during construction, whereas long-term noise increases and odors would occur near the compressor station site. The Proposed Action would increase noise levels in the immediate area due to construction and compressor station operation. Wildlife in the area may be adversely affected; however, only temporary wildlife displacement would occur during construction activities, and it is anticipated that most wildlife would adapt to the long-term increased noise levels associated with the compressor station. Furthermore, because of the remoteness of the area and considerable availability of adjacent areas with few human noise sources, project-produced noise would likely have a negligible affect on the human environment

For the impacts on visual resources of the proposed action, the EA states, with corrected text:

"Following construction of the pipeline, the only above ground feature that would be present within the VRM Class II area would be the block valve. The block valve is an important safety feature for the pipeline, and in this instance must be sited approximately where it is in order to properly perform its function. It is relatively small, located at its closest about 2 miles away from the Seminoe Road, and over a mile from the North Platte River. Locating it in VRM type II lands cannot be avoided. The remainder of this project is either below ground in VRM type II and III areas, or above ground in VRM type III lands. This includes the biggest above ground feature, the compressor station and work/storage yard. The compressor station and other above ground features would remain visible for the LOP.

There would be both short-term and long-term impacts to visual resources. During construction, dust plumes from traffic and construction may be apparent in the vicinity of access roads and construction sites. Some dust plumes may be visible at times from pipeline monitoring and maintenance operations. Soil disturbed in the process of constructing and burying the pipeline will be reclaimed and will return to approximately its original state as vegetation re-establishes and grows. Dudley has worked with the BLM VRM Specialist to reduce long-term impacts and

visual intrusions to the Seminole Road Scenic Byway by siting project facilities on both public and private lands behind hills and ridges.”

Appendix C
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 43CFR Sections 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. **WHERE TO FILE NOTICE OF APPEAL** Bureau of Land Management
Rawlins Field Office
P.O. Box 2407
Rawlins, Wyoming 82301-2407

SOLICITOR ALSO COPY TO Regional Solicitor, Rocky Mountain Region
U.S. Department of the Interior
755 Parfet, Suite 151
Denver 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 **U. S. Department of the Interior, Office of the Secretary, Board of Land Appeals 801 North Quincy St. Suite 300, Arlington, VA 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 Regional Solicitor, Rocky Mountain Region
U.S. Department of the Interior
755 Parfet, Suite 151
Denver Colorado 80215

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, VA. 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43CFR Section 4.401(c)(2)). 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.

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.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).

SUBPART 1821.2-OFFICE HOURS; TIME AND PLACE FOR FILING

SUBPART 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 the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard or daylight savings 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.

* * * * *

See 43 CFR Sec. 4.21 for appeal general provisions