



# Record of Decision

## Bull Mountain Natural Gas Pipeline

United  
States  
Department  
of Interior

**USDI Bureau of Land Management, Glenwood Springs Field Office**  
**USDA Forest Service, White River National Forest**  
**USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison National Forests**

Bureau of  
Land  
Management

**Gunnison, Delta, Mesa, and Garfield Counties, Colorado**



United States  
Department of  
Agriculture

Forest Service

December  
2007



Portions of the Bull Mountain Pipeline will follow the Existing Ragged Mountain Pipeline Right-of-Way (center of photo).

# **RECORD OF DECISION**

## **BULL MOUNTAIN NATURAL GAS PIPELINE**

**USDI, Bureau of Land Management, Glenwood Springs Field Office  
USDA, Forest Service, White River National Forest  
USDA, Grand Mesa-Uncompahgre-Gunnison National Forests**

### **Decision and Reasons for the Decision**

#### **Background**

SG Interests I, LTD (SG) and their authorized agent, Trigon EPC, filed an Application for Transportation and Utility Systems and Facilities on Federal Lands to construct, operate, and maintain a natural gas pipeline and related facilities on public lands administered by the BLM Glenwood Springs Field Office, and National Forest System (NFS) lands administered by the White River National Forest (WRNF) and the Grand Mesa-Uncompahgre and Gunnison National Forests (GMUG).

SG also applied for temporary use permit (TUPs) authorizations (including a construction ROW) with the natural gas pipeline, including authorization for a water pipeline to transport water co-produced with natural gas to an appropriate disposal site.

In response to SG's application, the BLM, in conjunction with the Forest Service (GMUG and WRNF), has considered the approval of Right-of-Way Grants (ROW grants) and temporary use permits (TUPs) as established by the Mineral Leasing Act of 1920, as amended. Issuance of a ROW grant and TUPs would authorize SG to construct, operate and maintain a 20-inch natural gas pipeline together with an 8" produced waterline and associated facilities within a 50-foot permanent right-of-way (ROW) subject to terms and conditions of the ROW grants and stipulations for use of federal lands as identified by the respective land management agencies.

The pipeline would accommodate anticipated natural gas production from the Bull Mountain Unit in addition to future "common carrier" (30USC185(r)) capacity needs that could arise from other existing leased production areas. The waterline would transport water co-produced with the gas out of the Bull Mountain Unit production area either to a commercial facility or an SGI injection well. The entire waterline, as proposed, may or may not be constructed for the entire length of the natural gas pipeline at the proponent's discretion.

The project conforms to the Federal Government's policy to foster and encourage mineral development, as expressed in the Mining and Minerals Policy Act of 1970. This project also conforms to the goals of the Mineral Leasing Act of 1920, as amended, and the 2005 Energy Policy Act, which promotes the development of oil and gas resources by facilitating natural gas production from existing federal oil and gas leases and privately-held mineral interests by allowing transportation of that gas across federal lands to processing and distribution facilities. The project would contribute to meeting the

need for domestic energy resources by making gas available to the national energy market via the interstate pipeline network servicing markets in the West, the Midwest, or the central United States.

Further, by providing for mineral development, the Agencies' Land Management Plans (LMPs) acknowledged that these areas could support facilities necessary for production and transportation of natural gas from existing leased production areas. The project responds to goals and objectives for mineral development outlined in the BLM Glenwood Springs Field Office Resource Management Plan (BLM RMP, 1988), the GMUG Land and Resource Management Plan as amended (GMUG Forest Plan, 1993) and the WRNF Land and Resource Management Plan as amended (WRNF Forest Plan, 2002) (collectively referred to as the Land Management Plans).

In consideration of the ROW grants and TUPs, the BLM, GMUG and WRNF, jointly prepared an Environmental Impact Statement (EIS) to analyze and disclose the potential environmental consequences of granting the proposed authorizations (i.e., the Proposed Action) and a range of reasonable alternatives including a No Action alternative.

## DECISION

Based upon my review of all alternatives and consultation with and concurrence from the USDA Forest Service, I have decided to authorize the issuance of a 30-year, 50-foot ROW grant(s) and temporary use permits (TUPs) that would authorize SG to construct, operate, and maintain the Bull Mountain Natural Gas Pipeline (BMNGP) as described in the Proposed Action.

The Proposed Action will involve the installation approximately 25.5 miles (approximately 5.0 miles on private land) of 20-inch diameter buried steel natural gas pipeline and related aboveground appurtenances for the purpose of transporting natural gas from the Bull Mountain Unit to the existing Divide Creek Compressor Station for delivery into interstate natural gas pipeline systems and the national energy market. (See FEIS Appendix A-Figure 1).

This decision also authorizes SG to install a produced water pipeline of 8-inch diameter steel pipe laid in the same trench as the gas pipeline. The water pipeline would transport produced water from the Bull Mountain Unit to either a commercial facility or an SGI injection well.<sup>1</sup>

In conjunction with the pipeline proposals, the FS will authorize road use permits for construction, reconstruction, use, upgrade, and/or maintenance of FS and/or temporary roads needed for access to the pipeline construction ROW. 29.3 miles of existing Forest Service roads, 0.6 miles of temporary road across NFS lands, and 0.1 miles across BLM lands would be used for access to the construction ROW. No permanent roads are proposed anywhere in the project area. No permanent or temporary roads are proposed within the three IRAs affected by this proposal.

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<sup>1</sup> If the proponent elected to convey materials through the 8" pipeline other than produced water, the proponent would be required to notify the Authorized Officer of the proposed change, additional facilities that would be required, if any, identify any changes in applicable federal and state regulations, and compare the potential environmental impacts of the proposal. The BLM and/or USFS would evaluate the proposal and determine whether the ROW grant should be modified and if additional NEPA analysis is required.

The Proposed Action would also involve the connected action of construction and operation of a four-acre compressor station, natural gas processing facility and associated facilities on private land at the southern end of the pipeline. The compressor station would have 4 compressor sets with an estimated 15,760 horsepower (HP) for anticipated build out of the BMNGP at 80 MMSCFD. Other ancillary facilities proposed at the 4-acre site include a metering station and associated metal building, 480 HP water pump, construction yard, a 20-inch pig launcher, and security fencing around the entire site.

Pipeline construction and maintenance operations would occur in T11S, R90W Sections 3, 4 & 10; T10S, R90W Sections 18, 19, 30, 31, 32 & 33; T10S, R91W, Sections 2, 11, 12, & 13; T9S, R91W, Sections 3, 10, 11, 14, 23, 26 & 35; T8S, R91W, Sections 5, 6, 8, 17, 20, 21, 28, 33 & 34; and T8S, R92W, Section 1, within Gunnison, Delta, Mesa, and Garfield Counties, CO. This route would start from a proposed compressor station on private land located in T11S, R90W, Section 10, run north to intersect the existing Ragged Mountain Pipeline (RMP) corridor in T10S, R90W, Section 33 and then would intersect the RMP pipeline again in-between T10S, R90W, Sections 29 & 32. From this point, the route would parallel the RMP. The pipeline route would then separate from the RMP to avoid private property located in T9S, R91W, Sections 10, 11, 14, but rejoin it after bypassing that property. The pipeline route would then intersect the 6-inch RMNGP located in T9S, R91W, Section 3, and parallel this pipeline until it separates in T8S, R91W, Section 33. It would then traverse north on the WRNF until it moves onto BLM land, following approximately the western boundary between BLM and private lands. The pipeline route would then head westerly and onto private lands at T8S, R91W, Sections 5, 6, and would connect to the existing 14-inch pipeline at the Divide Creek Compressor Station in T8S, R92W, Section 1, Garfield County, CO. Depending on the method by which produced water is disposed of, the 8-inch diameter water line may or may not parallel the gas pipeline along its entire length.

When compared to the other alternatives, the Proposed Action was the best choice for the resources and to accommodate the purpose and need of the project. The selected alternative:

- Facilitates natural gas transfer to national energy markets.
- Transports water generated from the operating wells in the Bull Mountain Unit to a commercially available disposal facility or a SGI injection well.
- Parallels existing right-of-way pipeline corridors that serve local markets (Ragged Mountain Pipeline [1983] and Rocky Mountain Natural Gas Pipeline) for approximately 10 miles on the GMUG and White River National Forests and reduces new land disturbance by utilizing existing road corridors and utility corridors.
- Does not require or allow new permanent road construction or temporary roads within the Inventoried Roadless Areas (IRAs).
- Disturbs the least number of total acres of land, installs the least miles of pipeline and involves the least miles of roads.

- Minimizes negative effects to natural resources, including soils, wetlands, road corridors, and complies with Visual Management Objectives and Air Quality Objectives for the area.
- Restricts motorized equipment within the IRAs to the construction period and requires non-motorized methods of inspection and light maintenance of the pipeline.
- Meets the need to move existing natural gas production to national markets and provides additional capacity for gas transmission should future wells be developed.

### **Other Alternatives Considered**

In addition to the Proposed Action, I considered 4 other alternatives, including No Action. These are described in brief below. A more detailed comparison of the alternatives is presented in the FEIS on pages 90-97.

#### **No Action**

The No Action is the baseline for comparing the other alternatives. The natural gas and water pipelines and associated facilities would not be authorized or built on Federal Lands and road upgrades necessary to accommodate construction would not occur for this project.

#### **Alternative 1**

Alternative 1 is the alternative developed in response to public and Interdisciplinary Team (IDT) input for a route that would maximize following existing roads. In the northern end of the project area, the route would follow County Road 79/344 and National Forest System Road (#800) along West Divide Creek, and follow National Forest System Roads #265 and #844 on the southern end of the project area. The middle portion of this route would be the same as the Proposed Action. No BLM lands are involved in Alternative 1. Total pipeline length is approximately 25.9 miles.

#### **Alternative 2**

Alternative 2 responds to public input for a route that would avoid all Forest Service Inventoried Roadless Areas (IRA). The route would follow County Road 265 and National Forest System Roads to the west of the proposed action in a longer loop that would include National Forest System Roads #265, #270, #342 and #344. Total pipeline length is approximately 39.1 miles; the longest of all alternatives.

#### **Alternative 3**

Alternative 3 responds to public input for a route that would avoid all Forest Service Inventoried Roadless Areas. Alternative 3 is a variation of Alternative 2 in that it would follow the same roads as Alternative 2 at the northern and southern ends but in the middle would follow the existing Curecanti-Rifle 230-kilovolt transmission line. This alternative is shorter in length than Alternative 2, but longer than the proposed action and Alternative 1. Total pipeline length is approximately 32.4 miles.

## Public Involvement

A Notice of Intent (NOI) to conduct public scoping of the proposal and prepare an Environmental Impact Statement (EIS) was published in the *Federal Register* (Vol. 70, No. 167) on August 30, 2005. With the publishing NOI, a Proposed Action public scoping package was compiled and mailed to 164 addresses provided by the WRNF, the GMUG NF and the BLM-Glenwood Springs Field Office. In October of 2005, press releases informing the public of the proposal were circulated to 9 local and regional newspaper and 8 radio stations.

The BLM and FS received comments on the project from approximately 30 parties during the initial scoping period. A content analysis of the scoping comments was completed to identify issues, concerns and potential alternatives.

In September of 2006, a Draft EIS (DEIS) Notice of Availability was published (*Federal Register*, Volume 71, Number 179) and a press release announcing the availability of the draft EIS was published in local newspapers and radio media outlets. In addition, letters were sent to 137 agencies, tribal governments, interest groups, and individuals seeking comments of the DEIS. Fifty-five comments were received in response to the DEIS.

Based on comments and concerns expressed during the course of the public involvement process, the IDT identified several issues regarding the effects of the Proposed Action. These issues formed the basis for identifying alternatives and developing project design criteria.

## Issues

The public involvement process resulted in the identification of the following significant issues in relation to the Proposed Action:

- **Effects on Inventoried Roadless Areas (IRAs)** - The 25.5 miles of proposed pipeline construction enabled by the ROW grant could alter roadless character in approximately 8.33 miles of three Inventoried Roadless Areas: Clear Creek IRA (GMUG) – 5.75 miles; East Willow IRA (WRNF) – 1.72 miles; and Baldy Mountain IRA (WRNF) – 0.86 miles.

Inventoried Roadless Areas character could be affected by initial land disturbance and long-term appearance of a linear pipeline ROW.

- **Effects on Visual Resources** - Pipeline ROW construction and installation of associated facilities will reduce the visual appearance of the landscape due to initial land disturbance and long-term appearance of a linear pipeline ROW, but may or may not maintain compliance with designated visual objectives. This depends on how well the VRPP is followed.
- **Effects on Soils** - Pipeline ROW construction could adversely affect soil structure and stability in the project area thus potentially causing mass wasting and other soil erosion issues.
- **Effects on Air Quality** - Pipeline ROW construction, compressor use, and project-related traffic could cause reductions in air quality standards,

regulations and requirements resulting from fugitive dust, pollutants and NO<sup>x</sup> and CO emissions.

- **Effects on Vegetation** - Clearing vegetation for pipeline ROW construction would reduce the existing vegetation and the benefits that vegetation provides.
- **Noise Impacts** - Pipeline ROW and facility construction activities, and traffic noise, could have negative effects on private property owners and wildlife due to increased and unfamiliar noise.
- **Effects on Big Game Wildlife Habitat** - Pipeline ROW construction activities could adversely affect wildlife use of summer range and calving and fawning habitat due to displacement and/or loss of habitat.

One of the most significant issues that was identified and addressed in the environmental analysis of this project concerned the fact that the proposed route of the pipeline would cross approximately 8.33 miles of National Forest System lands within 3 Inventoried Roadless Areas (IRA's) on the White River and GMUG National Forests. That raised both a legal concern about whether a buried natural gas transmission line could be constructed within an IRA in a manner consistent with current federal regulation and, if it could, what impacts the construction, operation, and maintenance of a buried pipeline might have on roadless values within these three IRA's.

My rationale in making this decision with respect to these specific concerns is based on three primary considerations: 1) consistency with regulation concerning the protection and management of IRA's (described below); 2) the impacts to and the long-term protection of roadless values (see Chapters 1-3 of FEIS for discussion); and 3) the differences in **environmental impacts** between the proposed route in comparison to alternative routes considered in the analysis (see Summary of Alternatives in Chapter 2 and Analysis in Chapter 3 of FEIS for discussion).

### **Compliance with Federal Regulation in relation to IRAs**

My decision, to authorize the construction, operation, and maintenance of a 20-inch natural gas transmission line that will include 8.33 miles situated within 3 IRA's on NFS lands, is consistent with the Secretary of Agriculture's January 12, 2001 Roadless Area Conservation Rule (RACR). This determination is based on my cumulative consideration of the following 4 factors, as they were addressed in the FEIS:

#### 1. No Road Construction within an Inventoried Roadless Area (IRA) is Necessary to Implement this Decision

The RACR prohibits road construction in Inventoried Roadless Areas (IRAs), unless certain circumstances apply. Two definitions in the RACR, at 36 CFR 294.11, are particularly relevant to my conclusion that this pipeline can be built within IRA's without road construction.

*“Road.* A motor vehicle travelway over 50-inches wide, unless designated and managed as a trail. A road may be classified, unclassified, or temporary.

*Road construction.* Activity that results in the addition of forest classified or temporary road miles. “

The area of surface disturbance that will occur to clear the right-of-way, dig a trench, bring pipe to the site, lower the pipeline into the trench, backfill and bury the pipeline, recontour the surface, and revegetate disturbed soil:

- Will not be used as a motor vehicle travelway (one of the above referenced elements in the definition of a *road*). The sole reason for creating surface disturbance, which within the IRA's will be limited to the confines of the construction right-of-way, will be for the purpose of accommodating motorized equipment needed to construct and bring in the supplies needed to install the pipeline.
- Will not result in the addition of forest classified or temporary road miles.
- Is a “construction zone”, not a “road”, as disclosed in Section 3.10 of the FEIS. Motorized equipment needed to clear the right-of-way, install the pipeline, bury it, and reclaim and revegetate disturbed areas within IRA's will access the construction right-of-way within the IRA's via existing roads located outside of the IRA's. When construction/reclamation equipment is located within the boundaries of an IRA, it will be confined to existing roads and to the construction zone within the designated right-of-way.

2. The RACR Provides for the Cutting and/or Removal of Timber within IRA's Under Circumstances Applicable to the Proposed Action

The FEIS documents that some timber, of merchantable and unmerchantable size, will need to be cut within IRA's in order to create the construction zone needed for the installation of the proposed pipeline. The RACR, at 36 CFR 294.13(b)(2) provides for such an activity to occur when:

*“(2) The cutting, sale, or removal of timber is incidental to implementation of a management activity not otherwise prohibited by this subpart;”*

3. The RACR, at 36 CFR 294.13, Does Not Prohibit the Construction of New Pipelines or Other Utilities within IRA's

In the January 12, 2001, Federal Register Notice in which the final RACR was published, the preamble language to the rule stated the following:

*“.....The Roadless Area Conservation rule, unlike the establishment of wilderness areas, will allow a multitude of activities including motorized uses, grazing, and oil and gas development that does not require new roads to continue in inventoried roadless areas.*

*Currently, a wide range of multiple uses is permitted in inventoried roadless areas, subject to the management direction in forest plans. A wide range of multiple uses will still be allowed under the provisions of this rule..... Under*



*this final rule, management actions that do not require the construction of new roads will still be allowed.....” (Federal Register / Vol. 66, No. 9, pp. 3249-3250)*

Pipelines are specifically mentioned in the “potential costs” section of that same preamble, on page 3268 of that Federal Register edition:

*“.....Other, new non-recreation special uses may be limited in the future as well. Such special uses include communication sites and energy-related transmission uses (such as ditches and pipelines, and electric transmission lines).”*

This language is clear that the installation and construction of these types of facilities may be limited, but not prohibited, within IRA’s, with an implication that the primary limitation will be the feasibility and added cost of installing such facilities without the benefit of road construction, as defined in the RACR. Therefore, the construction of a natural gas pipeline within an IRA is not contrary to the RACR.

### **Requirements Associated with this Decision**

My decision to authorize the construction, operation, and maintenance of the Bull Mountain Pipeline will result in 3 segments of the line, totaling 8.33 miles, being located in Inventoried Roadless Areas (IRA’s) on the White River and GMUG National Forests. Some of the more significant concerns that were identified during the environmental analysis of this route were the potential impacts that pipeline construction, operation, and maintenance could have on roadless values and character within those IRA’s, as well as the short-term and long-term impacts that pipeline construction could have to other resource values (both within and outside of IRA’s) due to ground disturbing activities.

To specifically address those concerns and potential impacts, I am requiring that the following measures be included in the right-of-way authorization as part of the implementation of my decision. **I understand that all of project design criteria identified in the FEIS will be applied and required as a part of the right-of-way authorization** and plan of development for this project, and that some of the requirements that I am itemizing here are duplicative of a few of those project design criteria. Other requirements will provide for minor revisions or additions to some of the project design criteria, and some will overlap what may already be implied or required in some of the project design criteria.

Nevertheless, I have determined that the concerns identified in the environmental analysis associated with roadless values within IRA’s and other resource impacts within and outside of IRA’s warrant a listing of the following requirements, and an emphasis that these are a part of my decision to authorize the construction, operation, and maintenance of this pipeline.

#### **A. Requirement Associated with Pipeline Construction, Operation, and Maintenance within Inventoried Roadless Areas (IRA’s)**

1. The Plan of Development (POD) will include provisions requiring that for those segments of the pipeline to be constructed within Inventoried Roadless Areas (IRA’s), the width of the construction zone will be kept to the minimum needed to

technically provide for pipeline construction and associated service areas, and to comply with applicable health and safety standards.

**B. Requirements Associated with Pipeline Construction, Operation, and Maintenance both within and Outside of Inventoried Roadless Areas (IRA's)**

1. The holder the ROW(s) shall not initiate any construction or other surface disturbing activities in the right-of-way corridor without the written prior authorization of the authorized officer. Such authorization shall be a written **Notice to Proceed** issued by the authorized officer. Prior to issuing a notice to proceed, the authorized officer must receive certification that agreements have been reached with affected private land owners. Affected private landowners are those individuals or parties that hold lands over which the right-of-way corridor will traverse or that control access to the corridor.
2. The pipeline right-of-way, construction zones, temporary work areas, temporary roads, and all other disturbed areas or constructed routes will be planned in a manner that will, to the greatest extent possible, avoid perennial streams, riparian areas, and areas having unstable soils. Where avoidance is not feasible, the project design criteria in the FEIS will be applied to the greatest extent possible to mitigate the impacts associated with the construction, operation, and maintenance of the pipeline to the resource values in these areas.
3. I am modifying the Project Design Criterion identified as "GEN-5" in the FEIS to limit pipeline construction activities to occur between May 1 and October 1 of any year, rather than between May 1 and mid-October, as was identified in the FEIS. I am making this minor change at the request of the State of Colorado Division of Wildlife, to minimize the impact of construction activities during big game hunting seasons. Many of the annual hunting seasons of concern within the vicinity of the pipeline route begin on or about October 1<sup>st</sup> of each year, rather than mid-October as was originally considered in the FEIS.
4. I am adding the following language to the Project Design Criterion identified in the FEIS as "WL-1":

**Elk production areas to which this criterion shall apply will be identified by the Colorado Division of Wildlife.**

This addition is also in response to a State of Colorado Division of Wildlife request.

5. The right-of-way (ROW) and/or Plan of Development (POD) shall provide that the pipeline right-of-way, construction zones, temporary work areas, temporary roads, and all other disturbed areas or construction routes, will be decommissioned and/or restored as soon as possible upon the cessation of their use for pipeline construction purposes. Furthermore, to facilitate rapid regeneration of vegetation in these areas, the ROW/POD shall include measures requiring that:

- Trenches will be compacted during backfilling

- Trenching will occur in a manner that does not alter the natural surface and groundwater flow regime;
  - Topsoil will be saved and redistributed to a uniform depth after recontouring to provide for the establishment of desirable vegetation;
  - Disturbed areas shall be contoured to blend with the natural topography, and then waterbarred and reseeded with certified weed-free seed mix;
  - Diverse, effective, and permanent vegetative cover of the same season variety native to the area, capable of regeneration and plan succession, must be established.
6. The ROW/POD shall provide for a plan to monitor all restoration activities in a manner to ensure that revegetation efforts are successful and that vegetation on disturbed areas is fully established. A reclamation/weed management report from the holder of the ROW grant will be provided annually to the BLM, the Forest Service, and the State of Colorado Division of Wildlife, until restoration conditions are deemed to be successful by the Authorized Officer, pursuant to prior concurrence from the Forest Service and the State of Colorado Division of Wildlife.
7. The following Project Design Criteria (from the FEIS) will be included in the POD to manage and control noxious weeds:

Noxious Weeds	
NX-1	The ROW grant holder shall prepare and submit a Noxious Weed Management and Control Plan to the Forest Service and BLM for approval at least 30 days prior to starting construction. Following approval by the agencies, the plan shall become part of the authorization document. At a minimum, this plan shall include methods to be used for prevention and control of noxious weed and exotic plant infestations, use of weed free seed, weed free materials (straw bales, straw waddles, etc.), washing of vehicles and equipment prior to moving them onto NFS and public lands, and measures to be employed following construction of the pipeline.
NX-2	The ROW permit holder shall also be responsible for prevention and control of noxious weed and exotic plant infestations which are not within the authorized area, but which are determined by the BLM/Forest Service to have originated within the authorized area.
NX-3	All seed purchased will be certified to be free of the noxious weed seeds from weeds listed on the current "All States Noxious Weeds List." Test results from a certified seed analyst, seed analysis labels attached to the bags and seed analysis reports from each container shall be provided to the BLM/Forest Service prior to application of the seed.
NX-4	New infestations of noxious weeds of concern to BLM/Forest Service and identified by either the ROW grant holder or BLM/Forest Service, shall be promptly reported to the other party. ROW grant holder and BLM/Forest Service shall agree on treatment methods to reduce or stop the spread of noxious weeds when new infestations are found.

8. The following language will be added The Project Design Criterion identified in the FEIS as “GEN-7” directs that:

**Right-of-way access following construction would be accomplished by foot, horseback, or other non-motorized method. Use of motorized vehicles for ROW access for noxious weed control, corrosion survey, and other monitoring is prohibited. Motorized vehicles would only be authorized to drive along the right-of-way for emergency repairs on a case-by-case basis and would be subject to BLM/FS notification and approval.**

As a part of this decision, I am adding the following language to this Project Design Criterion, to respond to any unforeseen and significant infestations of noxious weeds along the right-of-way.

**A significant infestation of noxious weeds along any segment of the right-of-way requiring prompt treatment may be considered to be an emergency condition, under which consideration may be given to authorize the use of motorized vehicles along the right-of-way if doing so provides for the most effective and expedient means of treating and controlling such an infestation. An emergency condition will be determined and declared by the Authorized Officer, and when so declared, advanced approval by the Authorized Officer will be required, prescribing the means, timing, and frequency of motorized access for noxious weed treatment purposes.**

9. The following Project Design Criteria (from the FEIS) will be included in the ROW/POD to adequately preclude motorized use of the right-of-way by the public:

RE-2	<p><b>CONTROLLING OFF-ROAD VEHICLE USES OF THE RIGHT OF WAY (ROW)</b>  <b>Measures would be implemented to control the use of the right-of-way and prevent unauthorized travel along the right-of-way by off-road vehicles. These measures would be determined in the field and may include the following:</b></p> <ul style="list-style-type: none"> <li>• <b>Installing gates or other man-made physical barriers</b></li> <li>• <b>Creating natural barriers by planting trees at points of intersection between the ROW and access roads</b></li> <li>• <b>Creating natural barriers made of large debris and/or rocks</b></li> <li>• <b>Stockpiling trees cut for ROW clearing and laying them in the ROW</b></li> <li>• <b>Placing boulders of a sufficient size and buried according to agency direction</b></li> </ul> <p><b>The ROW grant holder would coordinate with the BLM/USFS and landowners to determine measures to be implemented to control off-road vehicle use of the ROW. Efforts to control unauthorized off-road vehicle use would continue, in cooperation with the surface owner, throughout the life of permitted ROW.</b></p>
RE-3	<p><b>ROW grant holder would be responsible to replace, repair, and reinforce any motorized access barriers if they are breached throughout the life of the permitted ROW.</b></p>

10. The ROW/POD will include a provision directing that construction crews will be required to take bear awareness training, as provided by the State of Colorado Division of Wildlife.
11. The ROW/POD will include a provision requiring that a semi-annual meeting be held between representatives of the Holder, the Forest Service, the BLM, and the State of Colorado Division of Wildlife to assess the status of all reclamation efforts, and that such meetings shall continue until all reclamation and revegetation efforts have been accepted as being successful, as determined by the Authorized Officer, pursuant to prior concurrence from the Forest Service and the State of Colorado Division of Wildlife.

In offering their concurrence with the decision to authorize the issuance of the ROW grant (s) and temporary use permits associated with the Proposed Action, the WRNF and GMUG are requiring that the following conditions of approval accompany this decision:

1. All design criteria as specified in the document (FEIS Chapter 2) and as they apply to the Proposed Action will be followed.
2. Road Use Permits will be obtained prior to any construction or road upgrade activities on the GMUG or WRNF.
3. The 100' wide construction Right-of-Way will not be exceeded with the exception that designated turn-arounds may be approved by the Authorized Officer.
4. If minor route variation occurs, and is approved by the Authorized Officer, additional surveys for threatened, endangered or sensitive species, raptors or cultural surveys may be required of the Proponent.
5. Prior to reclamation on the GMUG, a seed mix will be approved by the authorized officer in consultation with the GMUG and WRNF.

**Contact Person**

For additional information concerning this decision or the BLM appeal process, contact Mark Ennes, Planning and Environmental Coordinator, Bureau of Land Management, Glenwood Springs Energy Office, 2425 S. Grand Ave, Glenwood Spring, CO 81601, (970) 947-5233.

  
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1/8/2008  
Date