

# **CONCLUSIONS AND RECOMMENDATIONS**

## **CHAPTER 5**

**5.0 CONCLUSIONS AND RECOMMENDATIONS**

**5.1 Conclusions of the Environmental Analysis**

The conclusions and recommendations presented in this section are those of the FERC environmental staff. Our conclusions and recommendations were developed with input from the BLM as a cooperating agency. The BLM will use the final EIS in its ROD for the Piceance Project.

Review of the information provided by WIC and further developed from responses to data requests; field investigations; scoping; literature research; alternatives analysis; and contacts with federal, state, and local agencies, and individual members of the public indicates that the proposed project would result in limited adverse environmental impact during construction and operation. We conclude that if the project is constructed and operated in accordance with applicable laws and regulations, WIC's proposed mitigation, and the additional mitigation recommendations presented below, the Piceance Project would be an environmentally acceptable action. Although many factors were considered in this determination, the principal reasons are:

- 82 percent of the proposed pipeline would be located adjacent to existing pipeline, utility, and road ROWs. Where WIC's proposed pipeline would parallel existing pipelines, it would generally be installed at a 40-foot offset from the nearest pipeline centerline;
- the project would be consistent with or in conformance with federal resource management plans;
- WIC would implement a number of resource- or activity-specific plans, procedures, and agreements to protect natural resources, avoid or limit environmental impact, and promote restoration of all disturbed areas during construction and operation of the project;
- the use of the HDD method would avoid disturbances to the beds and banks of the Little Snake, White, and Yampa Rivers;
- the appropriate consultations with the FWS, the SHPOs, the BLM, other affected land management agencies, and any appropriate pre-construction compliance actions resulting from these consultations, would be completed before WIC would be allowed to begin construction in any given area; and
- an environmental inspection program would be implemented to ensure compliance with all mitigation measures, Certificate conditions, and requirements contained in the POD.

In addition, we have developed specific mitigation measures to further reduce the environmental impact that would otherwise result from construction of the project. The additional studies or field investigations which we recommend typically result in site-specific mitigation and further reduction of impact; therefore, we are recommending that these mitigation measures be attached as conditions to any Certificate issued by the Commission. These mitigation measures are presented in section 5.5. We believe that the recommended

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mitigation measures would reduce potential environmental impacts from WIC's proposed action to less than significant levels.

### **5.2 Alternatives Considered**

#### **No Action**

The No Action Alternative was considered. While the No Action Alternative would eliminate the environmental impacts identified in this draft EIS, U.S. markets would be denied access to the 350,000 Dthd (equivalent to 341 MMcf/d) of natural gas that WIC proposes to transport to its system. Furthermore, natural gas development in the Piceance and neighboring basins could be hindered by a lack of future interstate pipeline transportation capacity options available to ship gas to markets. Consequently, new and existing natural gas users would need to obtain natural gas from other sources, use alternative energy sources, or use alternative fuels.

Providing natural gas from other sources would likely require the construction of additional compression on existing or planned pipelines and the construction of new pipeline or looping of existing pipelines to transport natural gas supplies currently being developed in the Piceance Basin or planned for development/production in the near future. This option is discussed below under System Alternatives. If modification of existing or approved natural gas projects are approved and constructed, each project would result in its own set of specific impacts that could be less or greater than those associated with the current proposal.

Alternative energy sources (e.g., solar, hydroelectric, geothermal, fuel cells) are not physically or commercially available in the market area to meet project objectives.

The use of alternative fuels is applicable primarily to large industrial or commercial users and would require natural gas customers to apply for and seek regulatory approval to use other fuels. Assuming regulatory approval to use alternative fuels could be obtained within the required timeframes, it could result in increased use of less clean-burning fuels (such as coal) and a corresponding increase in air pollutant emissions.

#### **System Alternatives**

Existing natural gas pipelines that pass through, or near the Greasewood Hub were evaluated for their ability to convey the proposed Piceance Project volumes. Assuming that these pipelines continue to carry the gas volumes recently transported for the immediate future, the existing systems combined would accommodate about 76 percent of WIC's proposed volumes. Given the diameters of these existing pipelines, transport of WIC's remaining volumes would require either 1) additional looping and additional compression on multiple systems or 2) the complete looping of a single pipeline. We determined that neither of these alternatives would provide a significant environmental advantage over the proposed action. Therefore, these alternatives were eliminated from further consideration.

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With modification, the proposed Entrega Project could potentially convey WIC's gas volumes to Wamsutter by interconnecting with the Piceance Project's supplier at the Greasewood Hub and adding significant compression. While attractive in concept, this alternative would present a number of challenges. From an engineering standpoint, both companies plan on receiving natural gas from different producers and at different delivery pressures. Also, WIC and Entrega have commitments with the respective shippers to deliver volumes at different pressures at their respective interconnections. While not impossible, melding the various factors and requirements together into a common system would be extremely difficult. As a result, we eliminated the one-pipe system alternative from further consideration. We have concluded that no existing or proposed pipeline system would meet WIC's purpose and need.

### **Route Alternatives – Uinta Basin Lateral Alternatives**

We evaluated the option of routing the Piceance Project pipeline along the existing Uinta Basin Lateral south of MP 105.1, where the proposed route follows a new greenfield route and is not generally parallel to any existing utility corridors. Along this segment, we reviewed two alternative routes that would make use of segments of both the Uinta Basin Lateral and the proposed Entrega Project ROW (Uinta Basin Lateral Alternative A and B). The Uinta Basin Lateral Alternative A would generally follow the existing Uinta Basin Lateral ROW from the Greasewood Hub (MP 141.7) to MP 105.1. The Uinta Basin Alternative B would require a linking pipeline from the Greasewood Hub to the Entrega Project route following the former American Soda pipelines (now owned by EnCana). The Uinta Basin Lateral Alternative B would then follow the Entrega Project route to its intersection with the Uinta Basin Lateral. From this intersection the alternative would follow the Uinta Basin Lateral route, which also is followed by the proposed Entrega Project, northward to MP 105.1.<sup>24</sup> These alternatives were evaluated to:

- reduce the amount of “greenfield” disturbance associated with the proposed action;
- avoid or minimize impacts to upland vegetation that have long recovery periods (e.g., shrublands, and pinyon–juniper woodland that require 10 to 50+ years for recovery); and
- reduce overall impacts to wildlife habitat.

After conducting the initial impact analysis, we sought further information from the agencies and WIC to determine whether these routes are feasible and would substantially reduce environmental impact. Our analysis identified different kinds of environmental impacts when comparing the proposed and the alternative pipeline routes. Overall, the Uinta Basin Lateral Route Alternative A is approximately 4 miles shorter than the proposed route, while the Uinta Basin Lateral Route Alternative B is approximately 1 mile longer than the proposed route. However, the alternative routes would reduce the amount of greenfield disturbance since they would be located parallel to existing utilities for their entire route. In contrast, the corresponding segment of the proposed route would not be collocated with any existing utilities for 25.6 miles of its length.

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<sup>24</sup> Entrega's currently proposed alignment generally follows the Uinta Basin Lateral between the proposed Meeker Hub and the area where the two proposed project routes intersect near the Piceance Project MP 105.1.

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In its comments on the draft EIS, WIC provided additional details regarding the constraints associated with collocating their pipeline with the Uinta Basin Lateral. Additional environmental constraints identified with this alternative included: 1) subsidence issues associated with reclamation of hay pastures in the Piceance Creek Valley that required 2 to 3 years of post-construction mitigation; 2) extreme terrain and difficult soil reclamation conditions in the Colorow Gulch area and soil prone to slumping in the Indian Valley along the Uinta Basin Lateral; and 3) limited corridor space in the Colorow Gulch area due to the presence of the Uinta Basin Lateral and the proposed Entrega Project alignment.

The CDOW has indicated that it is opposed to two additional pipelines (i.e., both Entrega's and WIC's pipelines) in the Little Hills Wildlife Management Area through the Piceance Creek Valley, and it prefers WIC's proposed route over the Uinta Basin Lateral Alternatives. Additionally, the BLM has indicated its preference to separate the proposed WIC and Entrega pipelines along different routes, and it supports WIC's proposed route. We have visited the alternative routes in the field and concur with the agencies' preferences and conclusions. Therefore, for all of the reasons listed above, we do not recommend use of either of the Uinta Basin Lateral Route Alternatives.

### **Route Alternatives - Collocation Alternative**

Because the Piceance Project would closely parallel the Entrega Project route over the majority of the distance between Wamsutter, Wyoming, and MP 105.1, we evaluated a collocation alternative. The purpose of the collocation alternative was to determine if there was a potential reduction in surface disturbance that could be obtained by collocating the Entrega and Piceance Project pipelines within overlapping construction ROWs, where practical, rather than constructing both pipelines as separate and discrete facilities within a broader utility corridor. For the purpose of our analysis, we assumed that where the pipes could be collocated, both projects could be constructed within the same 150-foot-wide construction ROW.

The collocation analysis was conducted within a study area (Danforth Hills North) which extends from Piceance Project MP 105.1 north to the Wamsutter, Wyoming, where the Piceance Project pipeline originates at the existing CIG Wamsutter Compressor Station. Within the study area both the Piceance and the Entrega Project routes are generally parallel to each other, but the construction ROWs rarely overlap. North of the Danforth Hills in Moffat County, Colorado, the proposed Entrega and Piceance Project pipelines would be constructed in separate ROWs adjacent to the existing Uinta Basin Lateral and Kinder Morgan pipelines from Piceance Project MP 0 to MP 105.1. The proposed projects are already collocated for about 15 miles within a segment near the Yampa River. We examined additional options for reducing the surface disturbance of important sage grouse breeding and brooding habitats by consolidating the two projects into a common construction ROW that was assumed to be 150 feet wide, where collocation was practical.

By constructing the two projects together in the same 150-foot-wide construction ROW in these sensitive habitat areas, we expect that removal of sage grouse habitat could be reduced up to 264 acres (about 33 percent) as compared to constructing the two projects along their currently proposed alignments. Sagebrush shrubs on which the sage grouse depends recover very slowly (15 to 50 years) and fragmentation of sage grouse habitat from multiple pipelines in the same utility corridor may adversely affect reproductive success and survival of this species over the long term.

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In its comments on the draft EIS, WIC provided additional details regarding the engineering constraints associated with the Collocation Alternative that included: 1) at least 20 additional pipeline corridor crossings are required; 2) topographic constraints in the Spring Creek area; and 3) the crossings of several severe washes would require numerous pull-outs from the corridor.

Based on the engineering constraints associated with this alternative, we do not recommend use of the Collocation Alternative. Although the Collocation Alternative would reduce impact to sage grouse habitat by 264 acres over the proposed route, the pipeline construction and operational constraints associated with this alternative do not warrant the use of this alternative. Furthermore, we note that WIC has committed to sagebrush habitat protection and restoration measures that include reducing the construction ROW to 75 feet in width where the ROW passes within 0.25 mile of a lek, reseeding the construction ROW with sagebrush in sage grouse habitat, and transplanting sagebrush to screen the ROW in the vicinity of leks. We also note that WIC has committed to reduce its pipeline offset from 50 feet to 40 feet where it parallels an existing pipeline whenever possible along this segment, further reducing the amount of disturbance to soils, vegetation and wildlife habitat by 28 acres.

### **Route Variations**

Route variations differ from system alternatives or major route alternatives in that they are identified to avoid or reduce impact on site-specific resources or to resolve localized issues (e.g., landowner requests, cultural resource sites, wetland areas, and severe terrain conditions). During planning and the Pre-Filing process, the Piceance Project proposed centerline was modified in several places to address site-specific resource issues. Eight minor centerline reroutes occurred after publication of the draft EIS to address additional site-specific resource issues. There are no currently unresolved location issues associated with the WIC centerline that require a detailed variation analysis. The Piceance Project proposed centerline incorporates several minor route alternatives which were modified during the planning process to minimize environmental impacts and landowner concerns. Further, after publication of the draft EIS, WIC proposed eight minor realignments and route variations to address landowner concerns, avoid natural features, and avoid sensitive cultural resources. We have reviewed these realignments and route variations and find them to be environmentally preferable to the previously proposed locations.

### **Aboveground Facilities**

Both the CIG Wamsutter and CIG Greasewood Compressor Stations are existing facilities; therefore, no alternative locations were evaluated. No environmental issues were identified for the County Road 4 Pigging Facility and MLV #4 site. Because the two communication towers would be installed at existing sites, no environmental issues were identified which would warrant a review of alternative sites. Consequently, no alternative sites for aboveground facilities were analyzed.

### **5.3 Significant Unavoidable Impacts**

The project would result in limited adverse environmental impact. Effects on all environmental resources were evaluated to determine any significant impact that would remain after application of the mitigation

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proposed by WIC. We then considered practical, appropriate, and reasonable measures which would further reduce potential project-related impacts. As a result, we developed additional mitigation which we are recommending be included as specific conditions to any Certificate issued by the Commission. Our analysis indicates that with the application of WIC's mitigation and implementation of our recommendations below, the proposal would result in no significant impact that is unavoidable. Further, we believe that all environmental impacts would be reduced to less than significant levels if the proposed and recommended mitigation is fully implemented.

### **5.4 Irreversible/Irretrievable Commitment of Resources; Short- and Long-Term Uses of the Environment**

The major nonrenewable resources that would be consumed by the proposed project are fossil fuels used to power construction vehicles and, over the life of the project, fossil fuel and electricity to power the pipeline itself (the proposed compressor would be natural gas-powered). Theoretically, the pipeline components could be reclaimed at the end of the pipeline's operational life. However, there would be a number of irretrievable resources committed to the proposal if the necessary authorizations are granted. The primary resources irretrievably lost would include soils (resulting from water and wind erosion in disturbed areas); water (used for dust control); crop/rangeland production (lost or reduced for one season or more); land use (aboveground facilities would replace rangeland and agricultural land for the life of the project); and wildlife habitat (temporary to long-term loss). The loss of cultural and paleontological resources also would be irretrievable, if allowed to occur.

As discussed in section 3.11, the proposed project has been designed to meet or exceed all safety requirements, and the potential for irreversible damage to the environment during operation is slight.

The proposed project would transport significant volumes of natural gas to interconnections at the Wamsutter Hub where the gas could be distributed to customers in the western and central U.S. Its operation would be consistent with federal policies encouraging competitive natural gas transportation services. For these reasons, the limited irreversible and irretrievable resource commitments are acceptable.

### **5.5 Federal Energy Regulatory Commission Staff Recommended Mitigation**

If the Federal Energy Regulatory Commission (FERC or Commission) approves the Piceance Basin Expansion Project (Piceance Project), we recommend that the following measures be included as specific conditions of the Certificate of Public Convenience and Necessity (Certificate). We believe that these measures would further mitigate the environmental impacts associated with the construction and operation of the proposed project.

1. Wyoming Interstate Company, Ltd. (WIC) shall follow the construction procedures and mitigation measures described in its application, supplemental filings (including responses to staff data requests), and as identified in the Environmental Impact Statement (EIS), unless modified by the Commission Order. WIC must:

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- a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
  - b. justify each modification relative to site-specific conditions;
  - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
  - d. receive approval in writing from the Director of the Office of Energy Projects (Director of OEP) **before using that modification.**
2. The Director of OEP has delegated authority to take what ever steps are necessary to ensure the protection of all environmental resources during construction and operation of the project. This authority shall allow:
- a. the modification of conditions of this Order; and
  - b. the design and implementation of any additional measures deemed necessary (including stop-work authority) to ensure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.
3. **Prior to any construction**, WIC shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EIs), and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.
4. The authorized facility locations shall be as shown in the EIS, as supplemented by filed alignment sheets. **As soon as they are available and before the start of construction**, WIC shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by this Order. All requests for modifications of environmental conditions of this Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

WIC's exercise of eminent domain authority granted under Natural Gas Act (NGA) Section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. WIC's right of eminent domain granted under NGA Section 7(h) does not authorize it to increase the size of its natural gas pipeline to accommodate future needs or to acquire a right-of-way (ROW) for a pipeline to transport a commodity other than natural gas.

5. WIC shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, staging areas, pipe storage yards, new access roads, and other areas that shall be used or disturbed and have not been previously
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identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species shall be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.**

This requirement does not apply to route variations required herein, additional areas allowed by WIC's *Upland Erosion Control, Revegetation, and Maintenance Plan* (WIC's Plan), or minor field realignments per landowner needs and requirements that do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
  - b. implementation of endangered, threatened, or special concern species mitigation measures;
  - c. recommendations by state regulatory authorities; and
  - d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.
6. **Within 60 days of the acceptance of this Certificate and before construction** begins, WIC shall file an initial Implementation Plan with the Secretary for the review and written approval of the Director of OEP describing how WIC will implement the mitigation measures required by this Order. WIC must file revisions to the plan as schedules change. The plan shall identify:
- a. how WIC will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
  - b. the number of EIs assigned per spread and a description of how WIC will ensure that sufficient personnel are available to implement the environmental mitigation;
  - c. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
  - d. the training and instructions WIC will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change), with the opportunity for OEP staff to participate in the training session(s);

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- e. the company personnel (if known) and specific portion of WIC 's organization having responsibility for compliance;
  - f. the procedures (including use of contract penalties) WIC will follow if noncompliance occurs; and
  - g. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for the:
    - i. completion of all required surveys and reports;
    - ii. mitigation training of onsite personnel;
    - iii. start of construction; and
    - iv. start and completion of restoration.
7. WIC shall employ a team of EIs (i.e., three or more) on each construction spread. The EIs shall be:
- a. responsible for monitoring and ensuring compliance with all mitigation measures required by this Order and other grants, permits, certificates, or other authorizing documents;
  - b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract and any other authorizing document;
  - c. empowered to order correction of acts that violate the environmental conditions of this Order, and any other authorizing document;
  - d. employed in a full-time position, separate from all other activity inspectors;
  - e. responsible for documenting compliance with the environmental conditions of this Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
  - f. responsible for maintaining status reports. (p. 2-32)<sup>25</sup>
8. WIC shall file updated status reports prepared by the head EI with the Secretary on a weekly basis **until all construction-related activities, including restoration activities, are complete**. On request, these status reports also will be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:
- a. the current construction status of each spread, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;

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<sup>25</sup> The page numbers in parenthesis at the end of a recommended measure corresponds to the page or pages on which the measure and related resource impact analysis appears in the EIS.

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- b. a listing of all problems encountered and each instance of noncompliance observed by the EIs during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
  - c. a description of corrective actions implemented in response to all instances of noncompliance, and their cost;
  - d. the effectiveness of all corrective actions implemented;
  - e. a description of any landowner/resident complaints that may relate to compliance with the requirements of the Commission Order, and the measures taken to satisfy their concerns; and
  - f. copies of any correspondence received by WIC from other federal, state, or local permitting agencies concerning instances of noncompliance, and WIC's response.
9. WIC must receive written authorization from the Director of OEP before commencing service from the project. Such authorization will only be granted following a determination that rehabilitation/ restoration of the ROW and other areas of project-related disturbance are proceeding satisfactorily.
10. **Within 30 days of placing the certificated facilities in service**, WIC shall file an affirmative statement with the Secretary, certified by a senior company official:
- a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
  - b. identifying which of the Certificate conditions WIC has complied with or will comply with. This statement also shall identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.
11. In order to formalize the winter construction practices, WIC shall develop and file a Winter Construction Plan with the Secretary for review and written approval by the Director of OEP **prior to construction**. This plan shall include monitoring of temporary erosion controls monthly during the winter shut-down period as well as following any significant rain or snow melt-off events during this period. (p. 3-16)
12. To prevent vehicles from tracking noxious and invasive weeds along other parts of the ROW, WIC shall strip topsoil from the full width of the ROW in areas with known weed infestations. (p. 3-23)
13. WIC shall file an updated Weed Plan with the Secretary for review and written approval of the Director of the OEP **prior to construction**. This revised Weed Plan shall include all elements agreed to in WIC's June 20, 2005 filing, as well as milepost (MP) locations of wash stations that have been coordinated with the Bureau of Land Management (BLM) field offices (FOs), conservation districts, local governments, weed management areas, and the Wyoming Weed and Pest Council. At minimum these wash stations shall be located at the crossing of affected county lines. (p. 3-24)

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14. To further reduce the spread of invasive and noxious weeds following construction activities, WIC shall conduct weed management surveys and control measures **at least once every 3 years** (following the initial 5 years of reclamation and weed control surveys) for the life of the project. (p. 3-24)
15. WIC shall revise its Blasting Plan to include the supplemental provisions from its June 20, 2005 filing. WIC shall file the revised Blasting Plan with the Secretary for review and written approval by the Director of OEP **prior to construction**. (p. 3-29)
16. WIC shall coordinate with Entrega Gas Pipeline, Inc. (Entrega) regarding the crossings of the Yampa and Little Snake Rivers. This coordination shall attempt to minimize in-stream and bank disturbances and shall consider the use of a shared crossing bridge at each location. WIC shall file the results of this coordination with the Secretary for the review and written approval of the Director of OEP **prior to constructing these crossings**. (p. 3-33)
17. WIC shall consult the appropriate state and federal fisheries agencies and the Colorado State Engineer to determine suitable flow conditions and locations for hydrostatic test water withdrawals and discharge locations. In addition, WIC shall coordinate with the U.S. Fish and Wildlife Service (FWS) and appropriate state agencies before and during construction to ensure that surface water withdrawals required for horizontal directional drill (HDD) purposes have minimal impacts on flows and fisheries. WIC shall incorporate the outcome of these consultations in its weekly status report **prior to any hydrostatic testing or HDDs**. (p. 3-36)
18. WIC shall file with the Secretary for review and written approval of the Director of the OEP data to characterize the quality of potential dust control water sources prior to their use. WIC also shall ensure that all water or water/chemical mixes applied to areas to be revegetated must meet state or federal water quality standards set for irrigated agricultural uses. (p. 3-39)
19. Should construction extend into the raptor nesting season, WIC shall conduct additional pre-construction raptor nest surveys in accordance with agency (BLM, state wildlife agency, and FWS) approved protocols. Results of the raptor nest surveys shall be reported to the appropriate BLM FO, state wildlife agency, and the FWS Western Colorado FO for review and reconsideration to appropriate protective buffers. Further, WIC shall report the results of any pertinent communications it has with the BLM, FWS, Colorado Division of Wildlife, and Wyoming Game and Fish Department with the Secretary and shall not begin construction **until** the FERC Staff has reviewed the information, completed any necessary consultations with the FWS, and the Director of OEP notifies WIC in writing that construction or use of mitigation may begin. (p. 3-59)
20. **Prior to construction**, WIC shall contact the FWS (and BLM on federal land) for guidance regarding mitigation measures that may be necessary to protect raptor nests, roost sites, or other wildlife concerns where blasting is anticipated along the Piceance Project ROW. The results of any such coordination shall be filed with the Secretary for the review and approval of the Director of OEP. The filing shall specify the specific locations (by MP) where blasting may occur, known raptor nest and

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roost locations within the general vicinity of the blasting, and mitigation measures that shall be implemented to minimize impacts on nesting raptors, roost sites, or other wildlife concerns. (p. 3-60)

21. **Prior to conducting surveys** for the Dudley Bluffs bladderpod, Dudley Bluffs twinpod (also known as Piceance twinpod), and Ute ladies'-tresses, WIC shall coordinate with the FWS to ensure proper survey timing and protocols. WIC shall, **prior to the start of construction**, file the following information with the Secretary:
  - a. name(s) and qualifications of the person(s) conducting the survey;
  - b. method(s) used to conduct the survey;
  - c. date(s) of the survey;
  - d. area surveyed (include the MPs surveyed); and
  - e. results of the surveys, to indicate species presence or absence. (p. 3-63)
22. If a federally listed plant species was found during preconstruction surveys, WIC shall notify the Commission staff, the FWS, and the BLM (for plants found on BLM-managed lands) **before commencing any project construction** activity in order for us to complete our Endangered Species Act Section 7 obligations. This notification shall contain WIC's evaluation of whether or not the plant(s) could be avoided by fencing, reroute, or by the use of a horizontal bore. Further, WIC shall not begin construction activities **until**:
  - a. the staff receives comments from the FWS regarding the proposed action;
  - b. the staff completes formal consultation with the FWS, if required; and
  - c. WIC has received written notification from the Director of OEP that construction or use of mitigation may begin. (p. 3-64)
23. WIC shall submit the 2004 and 2005 survey results for Debris milkvetch to the FWS for review. **Prior to construction**, WIC shall file with the Secretary correspondence confirming that the FWS has received these survey results. (p. 3-64)
24. In order to determine if black-footed ferret surveys are required, WIC shall provide maps of all white-tailed prairie dog towns within 0.5 mile of the outside edge of the ROW to the FWS for review. If prairie dog survey results indicate the need for protocol ferret surveys, WIC shall not begin construction activities **until**:

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- a. the staff receives comments from the FWS regarding the proposed action;
  - b. the staff completes formal consultation with the FWS, if required; and
  - c. WIC has received written notification from the Director of OEP that construction or use of mitigation may begin. (p. 3-66, 3-67)
25. To minimize potential impacts on nesting bald eagles, WIC shall:
- a. conduct pre-construction bald eagle nest surveys at known nest sites and within suitable nesting habitat during the appropriate period in accordance with approved BLM, state wildlife agency, and FWS protocols if construction were to occur during the breeding season. (p. 3-68)
  - b. **not construct within 1 mile** of active bald eagle nest sites in Wyoming during the nesting season (February 1 through August 15) and **within 0.5 mile** of active bald eagle nest sites in Colorado during the nesting season (November 15 through July 31). (p. 3-68)
  - c. stop work in the area and concurrently notify the Commission staff, the BLM (if on federal land), and the FWS, and file such information with the Secretary if WIC encounters a previously unidentified active bald eagle nest **within 1 mile of the construction ROW in Wyoming or within 0.5 mile of the construction ROW in Colorado**. WIC shall not continue with construction **until** the staff has reviewed the information, completed any necessary consultation with the FWS, and the Director of OEP notifies WIC in writing that construction may proceed or use of mitigation may begin. (p. 3-68)
26. If WIC's proposed bald eagle roost monitoring results provide evidence that eagles are being disturbed by construction activities, WIC shall coordinate with the FWS and/or BLM to determine appropriate actions necessary to ensure that bald eagles are not disturbed further. WIC shall report the results of the coordination in a filing with the Secretary, and shall not begin construction **until** the staff has reviewed the information, completed any necessary consultations with the FWS, and the Director of OEP notifies WIC in writing that construction or use of mitigation may begin. (p. 3-69)
27. If WIC believes that removal of a bald eagle roost tree is unavoidable, WIC shall not remove the identified tree **until**:
- a. the staff receives comments from the FWS regarding the proposed action;
  - b. the staff completes formal consultation with the FWS, if required; and
  - c. WIC has received written notification from the Director of OEP that construction or use of mitigation may begin. (p. 3-69)

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28. In order to minimize potential impacts on mountain plover from pipeline construction activities, WIC shall not construct and/or conduct reclamation activities in suitable mountain plover habitat during breeding season between April 10 and July 10 **until** WIC has:
- conducted agency-approved surveys for the mountain plover;
  - developed a mitigation plan, including agency-approved buffer zones or other protection measures for nests and chicks; and
  - filed this information with the Secretary for review and written approval of the Director of the OEP **before construction or use of mitigation may begin.** (p. 3-75)
29. WIC shall defer construction and use of facilities and staging, storage, and extra workspace areas, and access roads **until**:
- WIC files with the Secretary all remaining cultural resource inventory and evaluation reports, and necessary avoidance or treatment plans;
  - WIC files with the Secretary the BLM's and the Colorado and Wyoming State Historic Preservation Offices' comments, as applicable, on all reports and plans; and
  - the Director of OEP reviews and approves all reports and plans and notifies WIC in writing that it may proceed.
- All material filed with the Commission containing **location, character, and ownership** information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "**CONTAINS PRIVILEGED INFORMATION – DO NOT RELEASE.**" (p. 3-95)
30. To ensure that nearby noise-sensitive areas are protected from noise impacts resulting from the installation and operation of additional compression at the existing CIG Greasewood Compressor Station, WIC shall file a noise survey with the Secretary **no later than 60 days after placing the authorized unit at the CIG Greasewood Compressor Station in service.** If the noise attributable to the operation of the compressor station at full load exceeds an day-night equivalent sound level ( $L_{dn}$ ) of 55 decibels on the A-weighted scale (dBA) at any nearby noise-sensitive area, WIC shall install additional noise controls to meet that level within 1 year of the in-service date. WIC shall confirm compliance with the  $L_{dn}$  of 55 dBA requirement by filing a second noise survey with the Secretary no later than 60 days after WIC installs the additional noise controls. (p. 3-119)
31. To reduce potential cumulative dewatering effects on the Little Snake River during the low flow fall season, WIC shall coordinate its hydrostatic testing and dust control withdrawals with Entrega such that no Piceance and Entrega Project water withdrawals occur simultaneously from the Little Snake River. (p. 3-134)