

## Decision Notice

# Tepee Park Ranch Project Environmental Analysis

**USDA Forest Service  
Rifle Ranger District, White River National Forest  
Garfield County, Colorado**

## Background

The Forest Service evaluated CPX Piceance Holdings, LLC's (CPX) proposal to construct the Beaver Creek bypass, continue commercial use of upper Forest Service road (FS) 824, and install underground pipelines on National Forest System lands between Garfield County Road (CR) 217 and Tepee Park Ranch. The project is located in the western portion of the White River National Forest on the Rifle Ranger District, south of Rifle, Colorado.

Tepee Park Ranch is an existing exploratory natural gas operation owned and operated by CPX, a Colorado-based company formed to acquire and develop oil and natural gas resources in the U.S. The Tepee Park Ranch operation is located entirely on private property in unincorporated Garfield County. CPX owns both surface and certain mineral rights on Tepee Park Ranch. CPX has determined that the results of exploratory development of Tepee Park Ranch warrant further development of the natural gas reserve.

CPX holds an existing 60-foot-wide easement for commercial use of FS 824, which was granted to the previous operator by the Forest Service on December 6, 2007 and has been transferred to CPX. The existing above ground temporary 4.5-inch-diameter steel pipeline authorization was reissued in 2015 and does not meet CPX's needs as outlined in their proposal. In response to CPX's proposal citing anticipated future development, the Forest Service, in its evaluation considers the proximity of the FS 824 and pipeline to Beaver Creek, adequacy of FS 824 for commercial and public use, and future pipeline needs.

The Selected Alternative authorizes the Beaver Creek bypass, continued commercial use of FS 824, and the installation of three underground pipelines to transport natural gas, natural gas condensate, produced water, and fresh water that best meets the need of the project while balancing effects to natural and social resources. The Forest Service carefully considered comments from members of the public and developed site-specific design features to minimize negative effects associated with road construction and decommissioning, and pipeline installation.

## Other Alternatives Considered

In addition to the selected alternative, I considered four other alternatives, including three alternatives considered but eliminated from detailed study. A comparison of these alternatives can be found in Chapter 2 of the EA.

## No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. CPX would not construct a new access road, underground pipelines, and associated facilities (located on private lands) to support the continued development of Tepee Park Ranch. CPX would continue to use the existing FS 824 for commercial traffic and the existing 4.5-

inch-diameter above-ground pipeline adjacent to Beaver Creek to transport natural gas. The CPX property gate would remain in its current location, and no trailhead modifications would be made.

Road use and maintenance along the lower portion would continue to have potential to introduce sediments to Beaver Creek, as was the finding of the Rifle Watershed Protection District Cumulative Impact Study for Beaver Creek (Resource Engineering 2012). Continued commercial use of the current FS 824 alignment also has potential for haul truck spills adjacent to Beaver Creek.

The current road corridor of FS 824 does not provide optimal safety for the mix of anticipated large commercial vehicles/traffic volumes and public use. In particular, continued use of the steep switchbacks on FS 824 by vehicles such as those described in Table 2-2 of the EA is a concern. Traffic safety concerns associated with the existing roadway, therefore, would not be addressed. The no action alternative limits TPR development to the existing pipeline capacity, which is not adequate to transport the volumes of natural gas, natural gas condensate, and produced water anticipated from further development of natural gas resources.

#### Alternative(s) Considered but Eliminated from Detailed Study

- Continued commercial use of lower FS 824
- Pipeline construction adjacent to lower FS 824
- Public motorized access to Beaver Creek trailhead during winter travel management

## Decision and Reasons for the Decision

### DECISION

I have reviewed the Proposed Action and Environmental Assessment (EA) for the Tepee Park Ranch Project. Based upon my review of all alternatives, I have decided to implement the proposed action. A summary of the proposed action is outlined below:

- **Beaver Creek Bypass** – Special Use Authorization (SUA) for construction of an approximately 0.75-mile-long new access road (Beaver Creek bypass) from the upper switchback on FS 824 north to CPX's private property in Township 7 South, Range 94 West, Section 24. The road will interconnect with the existing CR 317 for continued access to National Forest System (NFS) lands (Figures 1-1 and 1-2 in Appendix A of the Tepee Park Ranch Project EA). The road alignment represents a corridor, which allows for minor route adjustments based on final road engineering design in consultation with the Forest Service. The alignment will be located within a temporary construction corridor up to 100 feet wide. Areas with steeper slopes may be wider than 100 feet to accommodate slope-specific cut and fill work. The post-construction authorization issued by the Forest Service will be for a 75-foot-wide permanent right-of-way.

A cattle guard will be placed at the Forest Service boundary, and existing fencing would be tied into the structure. A winter closure gate would be installed south of the forest boundary to prevent unauthorized motorized travel on NFS land in winter. An area north of the gate would be widened to accommodate vehicles and vehicle turnaround for winter recreational uses, such as hiking, snowshoeing, and skiing.

- **Continued Commercial Use of Upper FS 824** – Authorization for continued commercial use of the approximately 0.80-mile-long upper (southern) FS 824; reconstruction of an approximately 700-foot-long section of upper FS 824 near the CPX property gate; improvements for vehicle access at the Beaver Creek trailhead; and road improvements for stormwater drainage and user safety. The temporary construction corridor is proposed to be up to 100 feet wide. Areas with steeper slopes may be wider than 100 feet to accommodate slope-specific cut and fill work. The permanent right-of-way easement issued by the Forest Service would be increased from the current 60-foot width to a 75-foot-wide right-of-way for consistency along the entire FS 824 road alignment. Road improvements would provide better access along the Beaver Creek Road to reach and use the Beaver Creek trailhead at the south end of FS 824.
- **Underground Pipelines** – Approximately 1.5 miles of three underground pipelines would be installed within the temporary 100-foot-wide construction corridor authorized for road construction. The post-construction pipeline right-of-way likewise would overlap and sit within the permanent 75-foot-wide road easement. Pipelines would be authorized under a Special Use Permit issued by the forest service for a maximum term of 30 years. The pipelines would be located adjacent to the upper portion of FS 824 and the Beaver Creek bypass in Township 7 South, Range 94 West, Sections 24 and 25. The underground pipelines would replace the existing, above-ground, 4.5-inch-diameter steel pipeline used to transport natural gas. The existing pipeline would be removed from both private and federal land. Pipelines would be designed to meet all required regulatory standards and would follow all monitoring and maintenance requirements. The pipelines would transport natural gas, natural gas condensate, produced water, and fresh water. They would tie in to surface facilities at a receiving point north of NFS land on CPX private property, adjacent to CR 317 (Figure 1-2 of the EA). The receiving point is a contractual sales point where CPX product would be transferred to a third-party natural gas pipeline company at a contractual minimum operating pressure of 220 pounds per square inch (psi). There would be less potential for third-party damage to the pipelines because they would be buried. The existing 4.5-inch-diameter pipeline could be repurposed as a buried pipeline to transport condensate after meeting pipeline integrity, pressure testing, and other engineering requirements. The Plan of Development, pipeline design, and material specifications would be reviewed by the Rifle Watershed Protection District.

Pipeline	Flow Direction	Number	Length (miles)	Diameter (inches)	Material
Natural gas	North	1	1.55	12	Carbon Steel
Condensate	North	1	1.55	2 to 4.5	Carbon Steel
Produced or fresh water	Bidirectional	1	1.55	8	HDPE <sup>1</sup>

<sup>1</sup>High-density polyethylene with flexible steel core for high pressure service and corrosion resistance

- **Decommissioning Lower FS 824** – Decommissioning lower (northern) FS 824 in response to a request from the Forest Service on NFS lands. CPX would be responsible for earth work and revegetation to reclaim lower FS 824 from the upper switchback north to the Forest Service boundary in Township 7 South, Range 94 West, Section 24 (Figure 1-2 of the EA). All road use and public access to NFS lands would relocate to the proposed

Beaver Creek bypass. The Forest Service road easement through the Laramie property, as granted by Colorado Parks and Wildlife, would be relinquished to Colorado Parks and Wildlife.

## **RATIONALE**

My decision involved balancing several considerations, including which alternative best supports the need for action described in the EA while at the same time addressing the proximity of the project area to Beaver Creek, water features, and public access within the project area. I reached my decision after careful consideration of the social and environmental effects of the alternatives discussed in detail in the EA, the associated planning records, the issues identified during the planning process, and public comments. My decision meets the requirements of the National Environmental Policy Act (NEPA) and best responds to the need of the project while being responsive to public comments. The rationale for my decision is further detailed below.

1. The Selected Alternative meets the need of CPX's proposal, and the requirement of the Alaska National Interest Lands Conservation Act (ANILCA) Section 1323(a) and 36 Code of Federal Regulations (CFR) 251.110(c) to provide access to non-Federally owned land within the boundaries of the National Forest System to secure to the owner the reasonable use and enjoyment thereof: Provided that such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.
2. The Selected Alternative complies with the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), which states that "it is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C. 475). Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use of administration of the mineral resources of national forest lands..."
3. The decommissioning of lower FS 824 and construction of the Beaver Creek Bypass is consistent with the Forest Plan standards for Colorado River cutthroat trout by reducing potential for sedimentation from existing roads, maintaining riparian vegetation, maintaining stream habitat, and maintaining or reducing the existing net density of roads.
4. The Selected Alternative minimizes adverse effects on water resources, including streams, wetlands, and springs, as documented in the EA. Beaver Creek provides irrigation and domestic water to residents in the area and is located within the Rifle Watershed Protection District. Adverse impacts to water resources are minimized through complete avoidance, compliance with Best Management Practices, and protective measures as documented in the EA.
5. The decommissioning of lower FS 824 and construction of the Beaver Creek Bypass would move commercial and public traffic away from Beaver Creek, which would decrease the potential for sediment transport and mitigate a primary water quality concern in an upper reach of Beaver Creek. The City of Rifle's Cumulative Impact Study from 2011 concluded that



degradation of the health of Beaver Creek is largely related to sediment loading resulting from the gravel road adjacent to the creek.

6. The Selected Alternative will have no significant adverse effect on vegetation diversity, wildlife and their habitat, hydrologic function, soils, fisheries, scenic integrity, heritage, or recreation resources as documented in the EA and the Biological Assessment (BA).
7. Public access to National Forest System lands will be enhanced through the Selected Alternative with expanded parking at the southern Beaver Creek Trailhead that will accommodate personal vehicles and horse trailers. The establishment of a designated winter parking at the north end of the forest boundary provides the public close access from Rifle to engage in non-motorized winter recreation on National Forest System lands.
8. The Beaver Creek Bypass and proposed improvements to upper FS 824 would eliminate the need for traffic control devices (lights and pilot vehicles) as the Selected Alternative would improve sight distance, pullouts, and width of travel surface. This will improve the flow of public access to the Beaver Creek Trailhead during the summer travel management season (May 21-November 22).

This alternative meets requirements under National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations for implementing NEPA at 40 CFR Parts 1500–1508, the Forest Service’s NEPA implementing regulations at 36 CFR Part 220, the Forest Service NEPA implementing guidance in Forest Service Handbook 1909.15, and the standards and guidelines outlined in the WRNF Land and Resource Management Plan (LRMP) (USFS 2002).

## **Public Involvement**

The Notice of Proposed Action (NOPA) and announcement of the 30-day comment period was issued on September 6, 2016 in the Glenwood Springs, Colorado Post Independent newspaper of record, on the Forest Service website, and then mailed to the Forest Service distribution list. The Forest Service elicited comments, concerns, and issues regarding the proposed action from residents, interested individuals, public agencies, and organizations. Nine parties submitted comments. In analyzing public comments, the interdisciplinary team identified 42 key issues regarding the effects of the proposed action. Issues of concern included air and water resources, old growth forests, land use, public access and wildlife.

A formal 30-day opportunity to comment on the Draft EA was published on April 6, 2017 in the Glenwood Springs, Colorado Post Independent, on the Forest Service website, and to the Forest Service distribution list. Twenty-one parties submitted comments during the comment period. In analyzing public comments, the interdisciplinary team identified 24 key issues regarding the effects of the proposed action. Issues of concern included water resources, public access and wildlife.

Comments received in response to the September 6, 2016 NOPA and the April 6, 2017 Draft EA were categorized by substantive comment and resource issue and are shown in Appendices B and C of the EA.

## **Consistency with Other Laws and Regulations**

This decision is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act and all other laws, regulations and policies that govern Forest Service actions. The project was designed to conform to the Forest Plan and all other laws, regulations and policies. Forest Plan standards and guidelines will be applied as appropriate to meet Forest Plan goals, objectives, and desired conditions.

## **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. See page 114 of the EA to review the Finding of No Significant Impact.

## **Administrative Review and Objection Opportunity**

The Tepee Park Ranch Project Environmental Assessment is subject to the objection process pursuant to 36 CFR 218, subparts A and B. The objection period was initiated by a legal notice in the Glenwood Springs Post Independent on July 31, 2017, which initiated the 45-day objection period. Five objections were received during the 45 day objection period, which were addressed through the objection resolution process.

On October 20, 2017, an objection resolution meeting was held between the objectors and the Forest Service pursuant to 36 CFR 218.11(a). The objection review found no violation of law, regulation or policy, and no changes to the analysis documents are necessary.

### ***Implementation Date***

The project can be implemented immediately.

### ***Contact Person***

For additional information concerning this decision contact Jason Gross, White River National Forest, 2300 River Frontage Road, Silt, CO 81652 or phone (970) 876-9046.

  
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Scott G. Fitzwilliams

November 3, 2017  
Date

Forest Supervisor, White River National Forest

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