Final Environmental Assessment for Red Cedar Gathering Company's Proposed Simpson Plant Expansion

July 27, 2022

Summary: Environmental analysis of the Bureau of Indian Affairs' decision to approve or disapprove of Red Cedar Gathering Company's application for the issuance of a new Surface Use Agreement for the Simpson Plant Expansion which will replace the existing (Surface Lease No. 750-10-6019) and cover approximately 5.6 acres. The new Surface Use Agreement will add carbon dioxide processing to the list of uses, on tribal trust land in La Plata County, Colorado.

Prepared For:
United States Department of the Interior, Bureau of Indian Affairs, Southern Ute Agency in Ignacio, CO and Southwest Region in Albuquerque, NM

Prepared By:
Southern Ute Indian Tribe Growth Fund
Safety and Environmental Compliance Management Group in Durango, CO

Project Proponent:
Red Cedar Gathering Company
Durango, CO

Contents

BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EPA	U.S. Environmental Protection Agency
IMDA	Indian Mineral Development Act of 1982
NEPA	National Environmental Policy Act
the Tribe	Southern Ute Indian Tribe
USDI	United States Department of the Interior

1. Introduction

This Environmental Assessment (EA) has been prepared to disclose and analyze the environmental impacts for the United States Department of Interior Bureau of Indian Affairs (BIA) approval or disapproval of Red Cedar Gathering Company's (Red Cedar) application for the issuance of a new surface use agreement for the proposed Simpson Plant Expansion, which will replace the existing Surface Lease No. 750-10-6019 ("the proposed project") and cover approximately 5.6 acres. The location of the project expansion area is next to the existing Simpson Plant and within the Southern Ute Indian Reservation as shown in Figure 1 and 2 in Appendix A.

The Secretary of the Interior, through the BIA, is responsible for administering the leasing of tribal trust land, held in trust by the federal government for the benefit of federally recognized Indian tribes (25 CFR 162). The Southern Ute Indian Tribe issues their written consent to this surface lease in the form of a Tribal Resolution. Accordingly, the BIA is the lead agency for this proposed action and the Southern Ute Indian Tribe is a cooperating agency in the development of this EA.

1.1 Background

This EA assists the BIA in complying with the National Environmental Policy Act (NEPA). NEPA is a procedural statute intended to ensure Federal agencies consider the environmental impacts of their actions in the decision-making process. This EA will determine if the proposed project has a significant effect on the human environment and therefore necessitates the preparation of an environmental impact statement. "Significance" is defined by NEPA and its supplementary regulations. The purpose and function of this EA is satisfied if the BIA has considered relevant environmental information, and the public has been informed regarding the decision-making process (40 CFR 1500.1).

This EA is prepared in compliance with the NEPA, as amended, and all applicable guidelines and regulations. These include the Council on Environmental Quality (CEQ) regulations (40 CFR §§ 1500-1508, Final Rule updated 7/16/2020), the USDI requirements in Department Manual 516 Chapters 1-4 (USDI 2009) and Chapter 10 (USDI 2004), and the BIA's NEPA Guidebook (BIA 2012- not updated to reflect 2020 Final Rule). This EA will provide straightforward and concise documentation, proportionate to potential impacts of the proposed action, in accordance with CEQ's guidance.

1.2 Purpose and Need for the Project

The applicant's (Red Cedar) purpose of the surface lease expansion is to install equipment to capture and treat the carbon dioxide (CO_2) currently vented from the Arkansas Loop – Simpson Gas Treatment Facility for sequestration and future uses by other parties long term. The proposed project would result in increased revenue to Red Cedar, the Tribe and its members, and

reduce CO_2 emissions in the area. The BIA needs to approve or disapprove the proposed new surface use agreement to fulfill their statuary obligations for leasing Indian lands.

1.3 Decision to be Made

The responsible BIA official's decision is whether to approve or disapprove the requested new Surface Agreement for the Simpson Plant Expansion request by Red Cedar.

1.4 Conformance with Statutes, Regulations, and Plans

The proposed action would be consistent with the Tribe's goal to "provide integrated management of renewable and non-renewable resources in an environmentally, culturally, and socially responsible manner to benefit current and future generations of the Southern Ute tribal membership," as outlined in the Southern Ute Indian Tribe's Natural Resources Management Plan: Planning Period 2012 to 2032 (SUIT 2012).

The Tribe's Department of Energy seeks to ensure that the members of the Tribe receive a commercially favorable benefit from the energy and mineral resources located on the Reservation, while at the same time minimizing the impact of extraction of the resources on the natural and cultural environment. The proposed project has been developed in conformity with that objective.

The proposed project is in line with the federal's government's most recent target of a 50-52% reduction in U.S. greenhouse gas pollution from 2005 by 2030 (White House 2021). The proposed project also aligns with the State of Colorado's climate targets of reducing greenhouse gas emissions of 26% by 2025, 50% by 2030, and 90% by 2050 from 2005 levels, per HB19-1261. The Southern Ute Indian Tribe does not have any publicly stated greenhouse gas emission reduction targets.

Implementation of the proposed project will be consistent with the following statutes:

- The Endangered Species Act of 1973 (P.L. 94-325)
- The Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712)
- The Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. 668-668d)
- The Federal Water Pollution Control Act of 1948, as amended (33 U.S.C. Chap. 26)
- The Clean Air Act of 1963, as amended (P.L. 88-206)
- Clean Water Act of 1972, amended 1977
- Section 106 of the National Historic Preservation Act of 1966 (PL 89-665; 80 Stat. 915; 16 USC 470 et seq.), as amended (implemented under regulations of the Advisory Council on Historic Preservation, 36 CFR Part 800).
- The Archaeological Resources Protection Act of 1979, as amended (P.L. 96-95)
- The American Indian Religious Freedom Act of 1978, as amended (42 U.S.C. 1996)
- The Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601)

- Executive Order 12898 of 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"
- The Paleontological Resources Protection Act of 2009

There are also multiple Memorandums of Understanding and Interagency Agreements between Bureau of Land Management (BLM), BIA, the Tribe, and State of Colorado Oil and Gas Conservation Commission, regarding oil and gas development and regulation within the exterior boundaries of the Reservation.

1.5 Scoping and Identification of Issues

Scoping is an initial means by which the lead agency identifies potential issues related to a proposed action. Resource specialists from the Tribe and the Southern Ute Agency BIA Superintendent were invited to comment on the project on April 6, 2021, as part of the Tribe's "Proposed Project Notification" process. A tribal representative from Environmental Programs Division noted that "A Clean Air Act preconstruction permit is needed if the company plans to install any new equipment that will result in increased emissions to the atmosphere." All other commenters expressed they had no concerns with the project (Tribal resource specialists from Water Quality, Wildlife, Range and the Southern Ute Agency BIA Superintendent).

The Tribe's Department of Energy (DOE) hosted an on-site to review the proposed project in the field on December 7, 2021. Representatives from the Tribe's Cultural Preservation Department, DOE, and Department of Natural Resources (including the Lands and Range divisions) attended. Representatives from Red Cedar also attended with their environmental consultants (Safety and Environmental Compliance Management Group or "SECMG") and archeological consultants (ERO). The outcome of this onsite were site-specific environmental protection measures, which both Red Cedar and DOE agreed will be implemented, as documented in the *Southern Ute Indian Tribe's General Surface Use Agreement Stipulations for the Simpson Expansion* ("Stipulations" in Table 1). Additionally, the proposed project will be submitted for review and approval by Tribal Council, in February of 2022.

This EA focuses on the one issue brought forth during scoping: air quality, thus narrowing the scope of the EA by deemphasizing insignificant issues and reducing paperwork accordingly (40 CFR 1500.4 (i)). The list of elements analyzed in this EA are displayed in Table 1 below.

This analysis tiers to the *Final Environmental Impact Statement Oil and Gas Development on the Southern Ute Indian Reservation* (USDI 2002) ("FEIS") and incorporates information from the *Programmatic Environmental Assessment for 80-Acre Infill Oil and Gas Development on the Southern Ute Indian Reservation* (USDI 2009b) ("PEA"). These documents are readily available online on the Tribe's Department of Energy NEPA webpage (https://www.suitdoe.com/nepa/).

The proposed project is entirely within the study areas considered in these programmatic documents, which fully evaluated the potential effects of oil and gas development, including in-depth modeling of various resources and cumulative impacts analysis from large-scale

development. These documents did not consider the benefit of modern CO_2 capture technology but are useful from a disturbance perspective of the direct, indirect, and cumulative impacts of removing areas of native vegetation for oil and gas development.

Table 1. Components of the Human Environment Analyzed

Components of the Human Environment[1]		Further Considered in this EA?[2]
1. Land Resources	(a) Topography: land forms, drainage, gradients	No, not a focus from scoping and thoroughly considered in the FEIS and PEA. Protections provided for by Stipulations: minimizing footprint of disturbance, proper reclamation, implementation of a Stormwater Management Plan to control erosion and work with the drainage onsite.
	(b) Soils: types, characteristics	No, not a focus from scoping and thoroughly considered in the FEIS and PEA. Protections provided for in the Stipulations: proper reclamation, implementation of a Stormwater Management Plan to control erosion, spill prevention and response.
	(c) Geologic Setting, Mineral and Paleontological Resources	Not directly impacted. Indirect and cumulative impacts of oil and gas development was thoroughly considered in the FEIS and PEA.
2. Water Resources	(a) Surface and ground; quality, quantity, use, rights	No, not a focus from scoping and thoroughly considered in the FEIS and PEA. Protections provided for in the Stipulations: proper reclamation, implementation of a Stormwater Management Plan to control erosion, spill prevention and response.
3. Air	(a) Quality/achievement, visibility	Yes
4. Living Resources	(a) Wildlife: terrestrial, aquatic, threatened/endangered, ESA consultation	No. Although the proposed project will remove 2.03 acres of potential wildlife habitat, it is adjacent to a large existing industrial facility. Wildlife was not a concern during scoping and impacts to wildlife from oil and gas development were thoroughly considered in the FEIS and the PEA. The proposed project will have “no effect” on threatened or endangered animal species, as documented in the Biological Assessment in Appendix B.

	(b) Vegetation: terrestrial, aquatic, riparian, threatened/ endangered	The proposed project will remove 2.03 acres of native upland vegetation. This vegetation type is widespread throughout the Mesa Mountains area, and therefore this issue will not be carried on for further analysis. Additionally, vegetation removal for oil and gas projects was thoroughly considered in the FEIS and the PEA. The proposed project will have "no effect" on threatened or endangered plant species, as documented in the Biological Assessment in Appendix B.
	(c) Ecosystems and Biological Communities	No, not a focus from scoping and thoroughly considered in the FEIS and PEA.
	(d) Agriculture: livestock, crops, prime and unique farmland	No, not present in the project area.
5. Cultural Resources	(a) Historic, Cultural, and Religious Properties	The proposed project will have no effect on historic, cultural and religious properties, as documented by the BIA in Appendix C.
	(b) Archeological Resources	The proposed project will have no effect on archeological resources, as documented by the BIA in Appendix C.
6. Socioeconomic Conditions	(a) Employment and Income	No, the proposed project will minimally impact staffing levels at Red Cedar and is not large enough to impact employment or income levels regionally.
	(b) Demographic Trends	No, the proposed project is not large enough to change demographic trends.
	(c) Lifestyle and Cultural Values	No, the proposed project is not large enough to change lifestyle and cultural values trends.
	(d) Community Infrastructure: public services, utilities	No, the proposed project is not large enough to change demographic trends.
	(e) Disproportionately high and adverse environmental effects, on minority communities and low-income communities.	Not applicable. The proposed project would generally have a positive impact on surrounding communities by reducing greenhouse gas emissions.
7. Resource Use Patterns	(a) Hunting, Fishing, Gathering	No, not present in the project area.
	(b) Timber Harvesting	No, not present in the project area.
	(c) Agriculture	No, not present in the project area.

	(d) Mining	No, not present in the project area.
	(e) Recreation	No, not present in the project area.
	(f) Transportation Networks	No, the proposed project does not involve new roads or significantly impact transportation of existing roads.
	(g) Land Use Plans	No. The proposed project is in alignment with the Tribe's Natural Resources Management Plan (SUIT 2021) and the project area is already used for industrial natural gas development purposes.
8. Other Values	(a) Wilderness	No, not present in the project area.
	(b) Noise and Light	No, not a focus from scoping and thoroughly considered in the FEIS and PEA. The project area is already used for industrial purposes with the Simpson-Arkansas Loop Gas Treatment Facility.
	(c) Visual	No, not a focus from scoping and thoroughly considered in the FEIS and PEA. The project area is already used for industrial purposes with the Simpson-Arkansas Loop Gas Treatment Facility.
	(d) Public Health and Safety	No, not a focus from scoping and thoroughly considered in the FEIS and PEA. The project area is already used for industrial purposes with the Simpson-Arkansas Loop Gas Treatment Facility.

1 These are the required components of the human environment that must be addressed in BIA NEPA documents (USDI/BIA 2012).

2 Elements not present in the project area do not to be analyzed (USDI/BIA 2012).

2. Description of Alternatives, including Proposed Action

2.1 Alternative A – Proposed Action

Red Cedar is majority owned by the Tribe and operates a natural gas gathering and treatment system throughout the Reservation. A large volume of the natural gas produced on the Reservation is treated at the Arkansas Loop – Simpson Gas Treatment Facility for introduction to interstate natural gas markets. Red Cedar currently vents to the atmosphere all CO_2 that is separated from the gas stream at this facility.

Red Cedar is proposing to install equipment to capture and treat the CO_2 currently vented from the Arkansas Loop – Simpson Gas Treatment Facility for sequestration and future use as demand requires. The proposed project would result in increased revenue to the Tribe and its members and reduce CO_2 emissions in the area.

The proposed project is located approximately 9 miles southwest of Ignacio in La Plata County, Colorado and within the exterior boundaries of the Reservation, on tribal trust land. Specifically, the project area is in the southeast quarter of Section 35 and the southwest quarter of Section 36, Township 33 North, Range 9 West, New Mexico Principal Meridian (Figure 1, Appendix A). Red Cedar is seeking approval of a new surface use agreement for the sole purpose of constructing, operating, and maintaining a gas and CO2 separation, compression and treating station. The new surface use agreement would expand the existing Simpson treating facility boundary by 2.03 acres, for a total of approximately 5.6 acres and will replace the existing Surface Lease No. 750-10-6019 (Figure 2, Appendix A).

Red Cedar plans to start construction in the summer of 2022, after permitting is completed. The estimated construction will take approximately six months, for clearing, grading, and installing equipment. A variety of heavy and light equipment would be used, typical for construction of a gas separation, compression and treating station. The site would be visited daily during construction and operations. Red Cedar proposes to install two Caterpillar G3608 gas fired compressor engines, two gas fired Caterpillar G3516C generator engines, a triethylene glycol (TEG) dehydrator, and ancillary equipment.

Red Cedar would capture the CO_2 currently vented to the atmosphere from the Arkansas Loop – Simpson Gas Treatment Facility, which is estimated to be between 200,000 and 250,000 metric tons annually. The CO_2 would be compressed from atmospheric pressure to approximately 500 pounds per square inch gauge (psig), dehydrated for safe pipeline transport, and further compressed to a discharge pressure of approximately 2,200 psig.

2.2 Alternative B – No Action

Under the "no action" alternative, the BIA would reject Red Cedar's Surface Lease Application, and therefore they could not expand the Simpson Plant as a site for CO_2 capture.

This alternative would not fulfill the purpose or need of the Tribe to provide responsible energy development for the benefit of the tribal members, or the BIA's trust responsibility to protect tribal treaty rights and facilitate reasonable use by the Tribe of its lands, assets, and resources. The no action alternative does however, provide a baseline reference, enabling decision makers to compare the magnitude of environmental effects of the alternatives.

2.3 Alternatives Considered, but Eliminated from Further Analysis

The proposed project was designed and engineered to be located adjacent to the Arkansas Loop-Simpson facility to capture CO_2 emissions from the facility. No other alternatives were considered or needed to resolve resource conflicts.

3. Affected Environment and Environmental Consequences

Chapter 3 combines a description of the affected environment and environmental consequences of the proposed action. This chapter's purpose is to convey how each of the alternatives described in Chapter 2 is predicted to affect the natural and human environment. To avoid redundancy, the "no action alternative" will not be compared throughout the analysis. The no action alternative would deny Red Cedar's Surface Use Agreement and there would be no change to the current environment.

Affected Environment

The descriptions of the current physical, biological, human, and land use environments of the project area provide a baseline against which to compare the impacts that might result from implementing the proposed project.

Environmental Consequences

An effect is defined as any change or alteration in the pre-existing condition of the environment produced by the proposed project. The following types of impacts are described to evaluate of environmental consequences:

- **Direct and Indirect Impacts:** Direct impacts are caused by the action and occur at the same time and place. Indirect impacts are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.
- **Short or Long-term Impacts:** When applicable, the short-term or long-term aspects of impacts are described. For purposes of this EA, short-term impacts occur during or after the activity or action and may continue for up to 5 years. Long-term impacts occur beyond the first 5 years.
- **High, Medium or Low Impacts:** High impacts are substantial in severity and therefore should receive the greatest attention in decision-making. Moderate impacts cause a degree of change that is easy to detect, but do not meet the criteria for significant impacts. Low impacts cannot be easily detected and cause little change in the existing environment.
- **Cumulative Impacts:** This section considers the effects on the environment resulting from the incremental impact of the alternative, when added to other past, present, and reasonably foreseeable actions and trends. Where no cumulative effects have been identified, such is noted. The spatial scale varies by resource, and the temporal scale is 20 years into the future.

This framework for analyzing effects is based the 1978 NEPA Regulations (40 CFR 1508.1(g)). and the 2012 BIA NEPA Handbook (BIA 2012). It does not reflect current effects definitions in the updated NEPA Regulations (40 CFR §§ 1500-1508, Final Rule updated 7/16/2020), as the BIA has yet to resolve this discrepancy in their implementing regulations or NEPA Handbook.

3.1 Air Quality and Greenhouse Gasses

3.1.1 Current Condition of Air Quality and Greenhouse Gasses

There are many types of air pollution, from blowing dust to human-caused chemical emissions. As required by the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) has developed standards for six air pollutants that it calls "criteria pollutants" to protect the public's health and welfare. The standards, known as National Ambient Air Quality Standards (NAAQS) indicate maximum allowable levels of regulated pollutants in the air. EPA reviews and revises the standards periodically as necessary as new information on health and environmental effects becomes available. If the air quality in a geographic area measures air pollution levels lower than the national standard, it is called an attainment area; areas that don't meet the national standard are called nonattainment areas (CDPHE 2021).

The six criteria pollutants are particulate matter (PM), ground-level ozone, carbon monoxide (CO), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead (Pb). In addition to criteria pollutants, another class of regulated air pollutants is "toxic air pollutants." Toxic air pollutants, also known as hazardous air pollutants (HAPs), are those that are known or suspected to cause cancer or other serious health or environmental effects. GHGs, such as carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and hydrofluorocarbons (HFCs) are pollutants that contribute to changes in our climatic environment. Climate change is an urgent concern, and the Southern Ute Indian Tribe, State of Colorado, other U.S. states, cities and businesses, and countries around the world are undertaking steps to reduce GHG emissions and their impacts (CDPHE 2021).

Overall, air quality within the Reservation complies all federal air quality standards, as measured by the Southern Ute Air Quality Program's Ambient Monitoring Program (Danny Powers, SUIT Air Quality Program Manager, personal communication 1/27/22) and the Colorado Air Quality Control Commission Report to the Public: 2020-2021 (CDPHE 2021). Ozone levels in the region are close to exceeding the 2015 70 ppb health-based national air quality standards for outdoor air (SUIT 2017a).

The Southern Ute Indian Tribe Air Quality Program maintains three air monitoring stations throughout the reservation: Ignacio (Ute 1, approximately 9.5 miles northwest of the project), Bondad (Ute 3, approximately 5 miles west of the project) and Lake Capote (MMS, approximately 31 miles northeast of the project). There are no air monitoring stations close to the Arkansas Loop - Simpson natural gas treating facility.

These natural gas processing plants processes most of the natural gas in the northern San Juan Basin. The Simpson and Arkansas Loop Plants currently emits a variety of pollutants, in accordance with the associated their Title V Operating Permit (40 CFR Part 70), as issued by the Southern Ute Indian Tribe Air Quality Program. The Arkansas Loop Plant is designed to vent CO_2 to the atmosphere, as a waste stream of natural gas processing.

3.1.2 Direct, Indirect and Cumulative Effects on Air Quality and Greenhouse Gasses

The direct impact of approving the proposed project is a substantial reduction in greenhouse gas emissions. The proposed project would capture 200,000 to 250,000 metric tons of CO_2 every year, for the life of the plant. Carbon dioxide is the primary greenhouse gas emitted through human activities. In 2019, CO_2 accounted for about 80 percent of all U.S. greenhouse gas emissions from human activities (EPA 2022). On the Southern Ute Indian Reservation, the oil and gas sector is responsible for 66% of greenhouse gas emissions, which totaled 4,139,484.44 metric tons. These metrics are from 2017, when the most recent emissions inventory was conducted. (SUIT 2017b). This single proposed project would lower greenhouse gas emissions from the entire oil and gas sector by 5-6% annually.

Viewed another way, 200,000 to 250,000 metric tons of CO_2 is equivalent to the greenhouse gas emissions of 43,496 to 54,370 passenger vehicles driven for one year (EPA 2022). According to the La Plata County Motor Vehicle Office, there are approximately 53,000 vehicles registered in the county (La Plata County Motor Vehicles, personal communication, 1/28/22). Not all vehicles are driven every day- so therefore the proposed project would reduce more greenhouse gas emissions than are emitted by vehicle traffic, each year.

Capturing 200,000 to 250,000 metric tonnes of CO_2 emissions every year is a high, long-term beneficial impact to the region.

Approval of the proposed project would also incrementally contribute to the degradation of air quality in the region, by the emissions of NO_2, CO and PM10 during operation. These pollutants would be controlled as specified in the plant's minor New Source Review Permit, as issued by the EPA. The purpose of minor New Source Review permits is to prevent the construction of sources that would interfere with attainment or maintenance of a National Ambient Air Quality Standard or violate the control strategy in nonattainment areas. Therefore, the approval of the proposed project would not violate any federal emission limits and would lead to a low and short-term direct impact to regional air quality.

Indirect impact of the proposed project includes slightly more vehicle traffic and fugitive dust, over current background levels. Indirect impacts also include the construction of a CO_2 pipeline to carry CO_2 from the Simpson Plant to Kinder Morgan infrastructure in New Mexico. This project will be analyzed under a separate EA.

Cumulative impacts of the project are a major reduction of greenhouse gas emissions, over the life of the proposed project. This combined with future greenhouse gas reduction regulation and projects will have a positive, cumulative impact.

4. Mitigation and Monitoring

None.

5. Consultation, Coordination, and Document Preparation

This EA was prepared by SECMG and reviewed by Southern Ute Indian Tribe and BIA resource specialists prior to finalization (Table 1 and 2). The Southern Ute Agency Office, located in Ignacio, Colorado, posted their decision documents related to this EA in their lobby for 30 days for public comment. No public comments were received.

Table 1. List of All Persons, Agencies, and Organizations Consulted

Name	Authorities for Consultation or Coordination	Contribution
Edward Mora, Permitting, Land, and Document Control Manager and Ethan Hinkley, Air Quality Compliance Manager at Red Cedar	Project proponent	Provided technical information about the proposed action in Section 2.1 Proposed Action.
Southern Ute Resource Specialists: • Alexandra Ratcliff and Jeff Seebach, Water Quality Program • Brian Gideon, Forestry Division • Daniel Powers, Air Quality Program • Jason Mietchen and Tom Arthur Range Division • Kevin Mallow, Agriculture Division • Pete Nylander, Water Resources Division • Seana Luzar, Lands Division • Shelly Thompson, Cultural Preservation Department • Steve Whiteman, Ben Zimmerman, and Aran Johnson, Wildlife Division	The Southern Ute Indian Tribe was a cooperating agency, throughout the NEPA process. Steve Whiteman coordinated the Tribe's review and comment on this EA.	Tribal Resource Specialists reviewed and commented on the draft EA. Their comments were incorporated into the Final EA by SECMG (3rd party NEPA consultant).
Adrian Abeyta, Acting Land Manager, Southern Ute Indian Tribe Department of Energy	The Southern Ute Indian Tribe was a cooperating agency, throughout the NEPA process. Adrian Abeyta reviewed and commented on the draft EA. He also communicated directly with the lead agency, the BIA. Adrian worked with BIA to post FONSI for 30-day public comment period, and directed SECMG to finalize the EA.	All comments on draft EA were incorporated in the final EA.

Pricilla Bancroft, Superintendent, Southern Ute Agency Bureau of Indian Affairs, in Ignacio, CO. Priscilla J Avila, SWRO-DESCRM, Regional Environmental Protection Specialist in Albuquerque, NM.	BIA was the lead agency. They reviewed and commented on the draft EA and coordinated with the Southern Ute Indian Tribe's Department of Energy throughout the NEPA process.	All comments from the BIA were incorporated into the EA.

Table 2. List of Preparers

Name	Title	Responsible for the following Section(s) in this Document
Maria Irwin	Senior Environmental Compliance Specialist, NEPA, Safety and Environmental Compliance Management Group, Southern Ute Growth Fund	Primary author.
Matt Zabka	Senior Environmental Compliance Specialist, Safety and Environmental Compliance Management Group, Southern Ute Growth Fund	Authored the Biological Assessment in Appendix A. Reviewed and contributed to EA development.
Andy Young	Environmental Health and Safety Regulatory Compliance Manager, Safety and Environmental Compliance Management Group, Southern Ute Growth Fund	Reviewed and contributed to EA development.

6. References

Bureau of Indian Affairs (BIA). 2012. Indian Affairs National Environmental Policy Act Guidebook: 59 IAM 3-H. Division of Environmental and Cultural Resources Management. August 2012. Reston, VA.

Colorado Department of Health and Environment (CDPHE). 2021. "Report to the Public: 2020-2021." Colorado Air Quality Control Commission. Denver, Colorado.

Environmental Protection Agency (EPA). 2022. Greenhouse Gas Emissions Calculator. Accessed January 28, 2022 https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator

EPA. 2022. Greenhouse Gasses Overview. Accessed January 28, 2022 at https://www.epa.gov/ghgemissions/overview-greenhouse-gases

La Plata County. 2017. Oil and Gas Memorandums of Understanding between La Plata County and the Southern Ute Indian Tribe. Durango, CO

Southern Ute Indian Tribe (SUIT). 2012. Natural Resources Management Plan Update. Department of Natural Resources. Ignacio, Colorado.

SUIT. 2017a. "Southern Ute Indian Tribe Ambient Air Monitoring Update: 2017" Southern Ute Indian Tribe, Air Quality Program, Ignacio, Colorado. Available online at: https://www.southernute-nsn.gov/wp-content/uploads/sites/15/2018/04/SUIT-Ambient-Monitoring-2017.pdf

SUIT. 2017b. "Final Report for 2017 Southern Ute Indian Tribe Comprehensive Emissions Inventory for Criteria Pollutants, Hazardous Air Pollutants, and Greenhouse Gases." Southern Ute Indian Tribe, Air Quality Program, Ignacio, Colorado. Available online at: https://www.southernute-nsn.gov/wp-content/uploads/sites/15/2021/06/SUIT-CY2017-Emissions-Inventory-Report-Final.pdf

United States Census Bureau. 2022. 2020 Census data from La Plata County, Colorado. Accessed online January 28, 2022 https://www.census.gov/quickfacts/laplatacountycolorado

United States Department of the Interior (USDI). 2002. Oil and Gas Development on the Southern Ute Indian Reservation Final Environmental Impact Statement. Bureau of Land Management, San Juan Public Lands Center: Durango, Colorado; Bureau of Indian Affairs, Southwest Regional Office: Albuquerque, New Mexico; and the Southern Ute Indian Tribe.

USDI. 2009. Department Manual Part 516 Chapters 1, 2, 3, and 4 effective 9/1/09, National Environmental Policy Act of 1969 Procedures, Office of Environmental Policy and Compliance. Washington, DC.

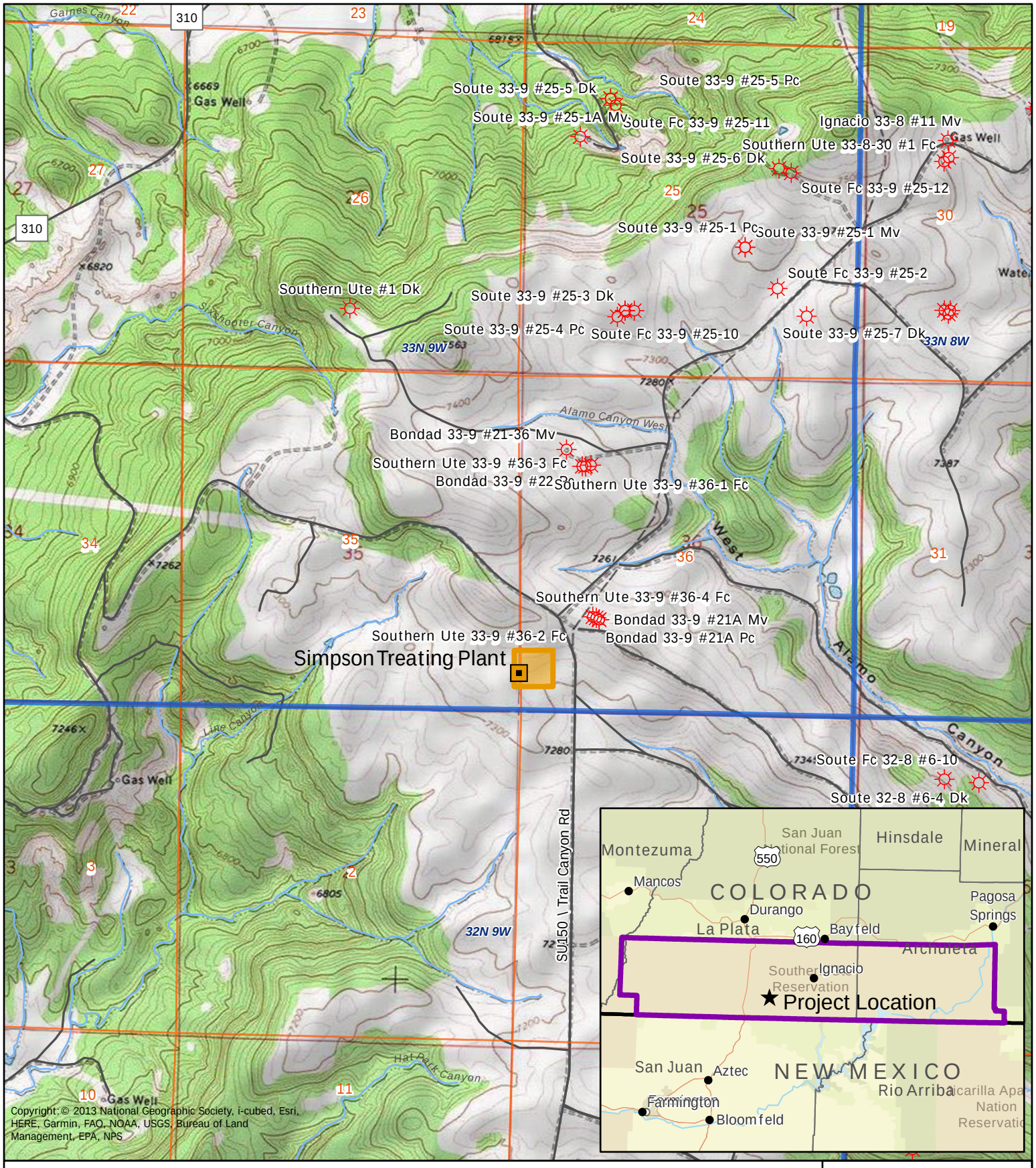
USDI. 2009b. Programmatic Environmental Assessment for 80 Acre Infill Oil and Gas Development on the Southern Ute Indian Reservation. Bureau of Land Management, San Juan Public Lands Center: Durango, Colorado; Bureau of Indian Affairs, Southwest Regional Office: Albuquerque, New Mexico; and the Southern Ute Indian Tribe. Available online at: https://www.suitdoe.com/nepa/

USDI. 2004. Department Manual Part 516 Chapter 10: Managing the NEPA Process—Bureau of Indian Affairs, effective 5/27/04, National Environmental Policy Act of 1969 Procedures, Office of Environmental Policy and Compliance. Washington, DC.

USDI. 2009b. Programmatic Environmental Assessment for 80 Acre Infill Oil and Gas Development on the Southern Ute Indian Reservation. Bureau of Land Management, San Juan Public Lands Center: Durango, Colorado; Bureau of Indian Affairs, Southwest Regional Office: Albuquerque, New Mexico; and the Southern Ute Indian Tribe. Available online at: https://www.suitdoe.com/nepa/

White House. 2021. FACT SHEET: President Biden Sets 2030 Greenhouse Gas Pollution Reduction Target Aimed at Creating Good-Paying Union Jobs and Securing U.S. Leadership on Clean Energy Technologies. April 21, 2021. White House Press Releases. Available online at: https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/

Appendix A Maps



Legend

- Project Area
- Townships
- Sections
- River and Stream
- Road
- Oil / Gas Well
- Facility Location

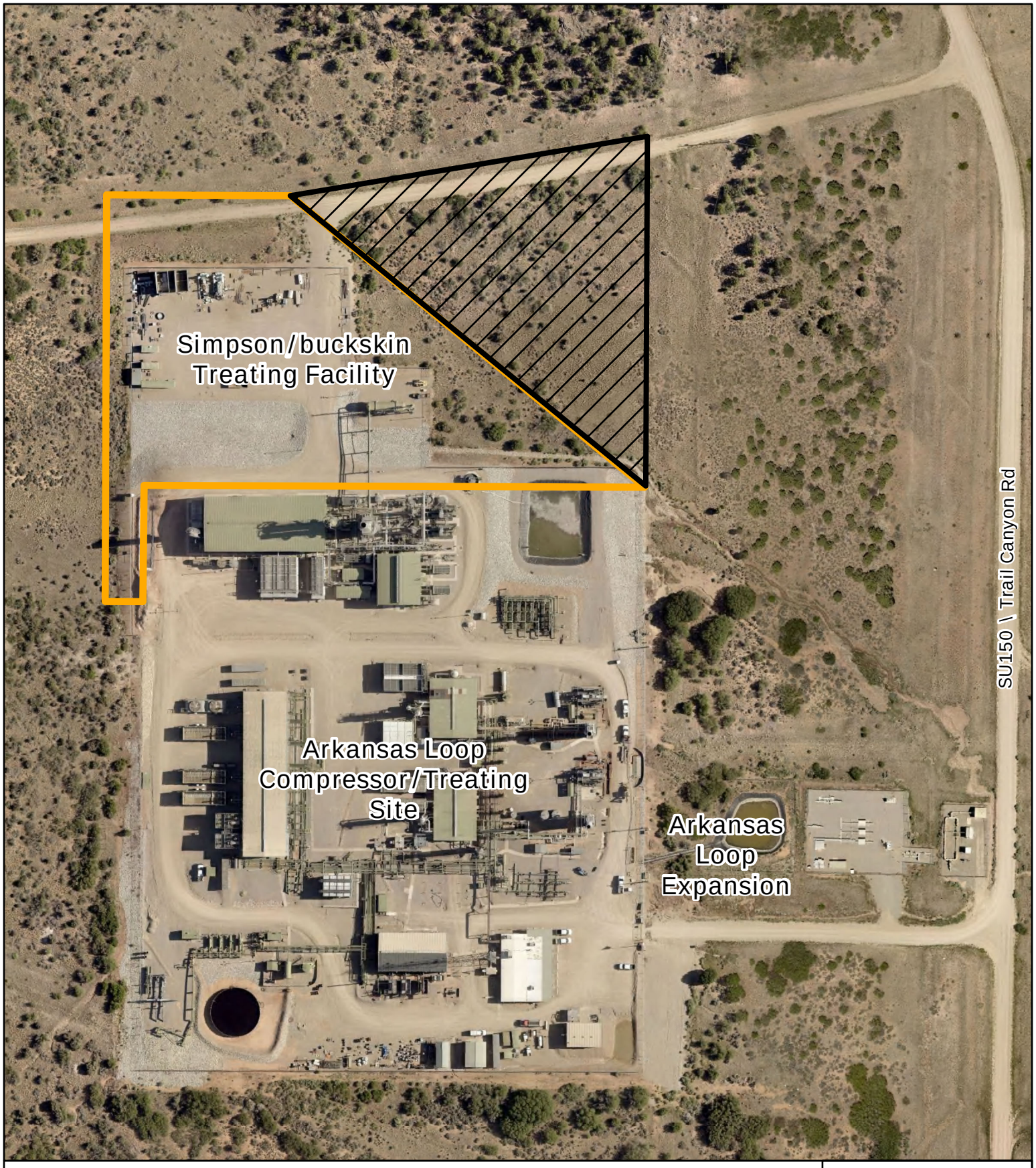
Figure 1. Overview Map
Proposed Simpson Plan Expansion

0 0.5 1 Miles

Folder: \\gf\shares\GIS\Projects\SECMG\RCG\CO2-Pipeline\Simpson Expansion\

RED CEDAR GATHERING COMPANY

Date: 1/24/2022



Legend

- Proposed Expansion Area (2.03 ac.)
- Existing Facility Boundary

Figure 2. Detailed Map
Proposed Simpson Plan Expansion

0 100 200 Feet

Folder: \\gf\shares\GIS\Projects\SECMG\RCG\CO2-Pipeline\Simpson Expansion\

RED CEDAR GATHERING COMPANY

Date: 1/25/2022

Appendix B Biological Assessment

Department of Natural Resources
Division of Wildlife Resource Management
Interoffice Memorandum

To: Matthew Zabka, Southern Ute SECMG

From: Steve Whiteman, Southern Ute Wildlife Division Head

Subject: Biological Assessment Concurrence

Date: February 9, 2022

CC: Shannon Nez, BIA SUIT Agency/ Realty
Adrian Abeyta, SUIT Dept. of Energy
SUIT Wildlife Division Files

The following biological assessment, prepared by Southern Ute SECMG, has recently been received and reviewed by the Southern Ute Division of Wildlife Resource Management:

Red Cedar Gathering Company / Simpson Carbon Capture Facility

In reviewing this biological assessment, I have found it to be complete and accurate, and concur with the determinations of *"no effect"* for all nine ESA-protected species identified for the Reservation. If you have any questions or need additional information, please feel free to contact me directly at 970-563-0130.

Steve Whiteman, Division Head
Division of Wildlife Resource Management
Southern Ute Indian Tribe

Biological Assessment

Simpson Carbon Capture Facility
Surface Lease Agreement #750-10-6019

February 3, 2022

Prepared by:
Southern Ute Growth Fund
Safety and Environmental Compliance Management Group
65 Mercado Street, Suite 260
Durango, Colorado 81301

Contents

1 Introduction

Red Cedar Gathering Company (Red Cedar) has proposed to install carbon capture facilities on a tract of Southern Ute tribal trust land adjacent to their existing Arkansas Loop - Simpson natural gas treating plant. The proposed project is located approximately 9 miles southwest of Ignacio in La Plata County, Colorado and within the exterior boundaries of the Southern Ute Reservation.

Red Cedar has thus proposed to amend their existing surface lease agreement with the Bureau of Indian Affairs (BIA) for the Simpson treating facility to provide the space to construct, operate, and maintain the proposed carbon capture facility. In addition to obtaining an approved surface use agreement amendment from the BIA, Red Cedar has proposed a minor modification under the U.S. Environmental Protection Agency's (U.S. EPA) Federal Minor New Source Review Program for proposed construction of new equipment at an existing source.

This Biological Assessment (BA) was prepared by the Southern Ute Growth Fund's Safety and Environmental Compliance Management Group (SECMG) on behalf of Red Cedar, the project proponent, for the BIA, the Southern Ute Indian Tribe (the Tribe), and the U.S. EPA. This BA analyzes potential site-specific impacts to species protected by the federal Endangered Species Act (ESA) from the proposed action. This BA also addresses impacts to species protected under the Migratory Bird Treaty Act (16 USC 703–712, although 709 is omitted) and the Bald and Golden Eagle Protection Act (16 USC 668 et. seq.). Additionally, this BA analyzes impacts to culturally important plants as defined by the Southern Ute Indian Tribe Natural Resource Management Plan (SUIT 2012).

1.1 Background

Red Cedar is majority owned by the Tribe and operates a natural gas gathering and treatment system throughout the Southern Ute Reservation. Most of the natural gas produced on the Southern Ute Reservation is treated at the Arkansas Loop – Simpson gas treatment plant for introduction to interstate natural gas markets.

Currently, the carbon dioxide (CO_2) that is separated from the gas stream at the Arkansas Loop – Simpson facility is vented to the atmosphere. Red Cedar is proposing to install equipment to capture and treat this CO_2 for sequestration and future use as demand requires. The proposed project would result in increased revenue to the Tribe and its members and reduce CO_2 emissions.

1.2 Purpose and Need

A BA is required by law ([ESA] of 1973, 16 United States Code [USC] 1531 et seq.) if there is an action that is authorized, funded, or carried out by a federal agency. The federal nexus for this proposed project is two-fold: the BIA's decision to approve or disapprove of the proposed surface lease agreement amendment, and the U.S. EPA's decision to approve or disapprove of the minor modification under the Federal Minor New Source Review Program. The purpose of the BA is to review, analyze, and document the direct, indirect, interrelated, interdependent and cumulative effects on federally listed endangered,

threatened, proposed, or candidate species, as well as proposed or designated critical habitats thereof, as a result of development actions with a federal nexus.

1.3 Consultation History

There has been no formal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed action. Historically, the BIA has consulted with the Service annually to determine the list of species of potential ESA concern for the Southern Ute Reservation. This consultation predated the Service's implementation and rollout of their Information for Planning and Consultation (IPaC) website (https://ipac.ecosphere.fws.gov/) currently used to initiate consultation with the Service and streamline the environmental review process for a project with a federal nexus.

The most recent consultation between the BIA and Service to determine the list of species of potential ESA concern for the Southern Ute Reservation occurred in 2018 (this species list is included in Appendix B). One species, the candidate Monarch butterfly, has been added since then (S. Whiteman, personal communication, February 1, 2022). Informal consultation on the proposed project was initiated in November 2021 using the IPaC system. The project description was updated in IPaC on December 17, 2021. A species list was provided for the proposed project area by the Service's Western Colorado Ecological Field Services Office in Grand Junction, Colorado and is also included in Appendix B.

The Service has been consulted on oil and gas development on the Southern Ute Reservation on several different occasions, and these are discussed below.

In 2002, the Tribe, BIA, and the Bureau of Land Management (BLM) consulted with the Service regarding potential impacts to listed species from oil and gas development on the Southern Ute Reservation (USDI 2002). The Service concluded that given the implementation of the extensive environmental design features, the only adverse impact associated with oil and gas development on the Southern Ute Reservation would be freshwater depletions. Specifically, the consultation found that water depletion from oil and gas activities in the San Juan River basin "may affect and is likely to adversely affect" the endangered Colorado Pikeminnow (*Ptychocheilus lucius*) and the endangered Razorback Sucker (*Xyrauchen texanus*). Water depletions may also affect their critical habitat.

In 2008, the Service offered a Biological Opinion on the BLM's Programmatic Biological Assessment, which again addressed impacts from freshwater depletions due to oil and gas activity in the San Juan River Basin (Service 2008). The Service concurred with BLM's determination that water depletions may adversely affect the Colorado Pikeminnow and Razorback Sucker and their designated critical habitat within the San Juan River. However, the Service also determined that BLM-authorized water depletions from the San Juan River basin are not likely to jeopardize the continued existence of the Colorado Pikeminnow or Razorback Sucker, and that BLM-authorized water depletions are not likely to destroy or adversely modify designated critical habitat. Since that time, the BLM is responsible for recording water depletions from individual projects and submitting annual water depletion summaries to the Service.

In 2009, the Tribe, BIA, and the BLM informally consulted with the Service again regarding potential impacts to listed species from additional infill oil and gas development on the Southern Ute Reservation

(USDI 2009). The Service concurred with the BA's "may effect, but not likely to adversely effect" determination for the southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-billed cuckoo *(Coccyzus americanus)*, Knowlton's cactus *(Pediocactus knowltonii)* and Mancos milkvetch *(Astragalus humillimus)*. Given the implementation of environmental protection measures, and further site-specific analysis, no adverse impacts were found.

2 Proposed Project

Red Cedar is seeking approval of a surface lease agreement amendment for the sole purpose of constructing, operating, and maintaining a gas separation, compression and treating station. The surface use agreement amendment would expand the existing Simpson treating facility boundary by 2.03 acres, for a total of approximately 5.6 acres. The proposed project is located approximately 9 miles southwest of Ignacio in La Plata County, Colorado and within the exterior boundaries of the Southern Ute Reservation. Specifically, the project area is in the southeast quarter of Section 35 and the southwest quarter of Section 36, Township 33 North, Range 9 West, New Mexico Principal Meridian. See the maps in Appendix A for location and site detail reference.

Red Cedar proposes to install two Caterpillar G3608 gas fired compressor engines, two gas fired Caterpillar G3516C generator engines, a triethylene glycol (TEG) dehydrator, and ancillary equipment. Red Cedar would capture the CO_2 currently vented to the atmosphere from the Arkansas Loop – Simpson facility (estimated to be between 200,000 and 250,000 metric tons annually). The CO_2 would be compressed from atmospheric pressure to approximately 500 pounds per square inch gauge (psig), dehydrated for safe pipeline transport, and further compressed to a discharge pressure of approximately 2,200 psig. The CO_2 will be delivered to a Kinder Morgan pipeline for use primarily in enhanced oil recovery.

3 Summary of the Analysis

For analysis purposes in this BA, the project area was defined as the 5.6-acre proposed facility site (2.03-acre expansion plus 3.571-acre existing area). The action area was defined as the project area plus an approximate 0.5-mile buffer, considering the line of site from the project area, the distance that noise from construction activities could be heard over ambient conditions in the area, and how far fugitive dust could reasonably travel. Collectively, the action area and project area are referred to as the analysis area.

Prior to conducting any field surveys, Matthew Zabka, Senior Environmental Compliance Specialist with SECMG, reviewed the Official Species List for the project (see Appendix B) and completed a desktop review of the potential for listed and candidate species and their habitats to occur within the analysis area using available geographic information system data and other information. Mr. Zabka then completed a pedestrian field survey of the analysis area on December 7, 2021. The field survey consisted of scanning the action area with binoculars and walking transects throughout the project area. A list of plants and wildlife observed and identified during the field survey is included in Appendix C.

4 Existing Habitat Conditions

The analysis area is situated in the Mesa Mountains east of the Animas River valley and west of the Los Piños River valley. Elevations within the analysis area range from approximately 7,200 to 7,480 feet above mean sea level. As seen in the aerial imagery on Figure 3 (Action Area Map) in Appendix A, the analysis area is heavily developed with natural gas industry infrastructure, including pipeline rights-of-way, well pads, roads, and larger facilities. There does remain approximately 120 acres of piñon-juniper woodland and 220 acres of montane shrubland within the analysis area. The 5.6-acre project area contains approximately 2.6 acres of undisturbed montane shrubland habitat. Approximately 3 acres within the project area has been developed as part of the Arkansas Loop – Simpson natural gas treating facility.

The analysis area is generally sloped to the southeast, draining down an unnamed ephemeral watercourse and West Alamo Canyon, also containing an ephemeral watercourse. The analysis area is within the greater San Juan River watershed. Surface geology in the analysis area is San Jose Formation (USGS 2008) and soils have been mapped as Dulce-Travessilla-Rock outcrop complex, Durango cobbly loam, Witt loam, and Zyme-Rock outcrop complex (SSURGO 2015).

Dominant vegetation within the analysis area consists of piñon pine (*Pinus edulis*) and juniper (*Juniperus* sp.) woodland, and montane shrubland containing antelope bitterbrush (*Purshia tridentata*), big sagebrush (*Artemisia tridentata*), mountain mahogany (*Cercocarpus montanus*), rabbitbrush (*Ericameria nauseosa*), and scrub oak (*Quercus gambelii*). A strong grass component of both native and reclamation species is found throughout the analysis area.

5 Sensitive Species Evaluation

5.1 Federally Listed Threatened and Endangered Species

Table 1 contains the list of species determined to be of potential ESA concern for the Southern Ute Reservation through historic BIA-Service consultation efforts (BIA 2018). Informal consultation using the Service's IPaC system generated a list five species listed and one species that is a candidate for listing under the authority of the ESA that may occur within the project area or may be affected by the proposed project (Service 2021b). See Appendix B for both species lists.

Table 1 provides an evaluation of the potential for these species to occur in the analysis area.

5.1.1 Federally Listed Species Considered

Table 1. Threatened, Endangered, and Candidate Species that may occur in the Project Area or may be affected by the Proposed Project.[1, 2]

Species Name	Conservation Status	Habitat	Warranting Detailed Evaluation?
MAMMALS			
Canada Lynx (*Lynx canadensis*)	Threatened	Early and late-successional mixed conifer forest types, between 8,000 and 12,000 feet in elevation. Canada lynx were successfully reintroduced to high-elevation forests in southwestern Colorado from 1999 - 2006. Currently there is no designated critical habitat for this species in the Southern Rockies.[3]	NO: The analysis area does not contain suitable habitat at elevations sufficient to support Canada lynx.
New Mexico meadow jumping mouse (*Zapus hudsonius luteus*)	Endangered	Herbaceous wetlands dominated by dense sedges adjacent to permanent water. Designated critical habitat for the New Mexico meadow jumping mouse is located over 11 miles from the project area along the Florida River.[4]	NO: There are no perennial water resources or associated riparian/wetland habitats in the analysis area.
BIRDS			
Mexican spotted owl (*Strix occidentalis lucida*)	Threatened	Frequently associated with mature mixed-conifer, pine-oak, and riparian forests. Also found in canyon habitat dominated by vertical-walled rocky cliffs within complex watersheds including tributary side canyons. Designated critical habitat is located over 30 miles from the project area on the Carson National Forest.[5]	NO: The analysis area does not contain suitable canyon or forested habitat.
Southwestern willow flycatcher (*Empidonax traillii extimus*)	Endangered	Dense, shrubby riparian habitats at least 5 feet tall, 30 feet wide, and greater than 0.25 acre in size. Habitat is usually close to surface water or saturated soil. Designated critical habitat for this species is located approx. 15 miles from the project area along the Los Piños River south of Bayfield.[6]	NO: The analysis area lacks riparian habitat and significant surface water resources.

Species Name	Conservation Status	Habitat	Warranting Detailed Evaluation?
Yellow-billed cuckoo (*Coccyzus americanus*)	Threatened	Nests almost exclusively in low to moderate elevation riparian woodlands that cover 50 acres or more within arid to semiarid landscapes. Although this species breeds locally in river valleys in western Colorado, it is "scarcer at elevations above approximately 6,000 feet, and almost never breeds above 7,000 feet".[7] Designated critical habitat is found far from the project area along the North Fork of the Gunnison River in western Colorado.[8]	NO: There is no riparian woodland habitat in the analysis area.
PLANTS			
Knowlton's cactus (*Pediocactus knowltonii*)	Endangered	Tertiary alluvial deposits on San Jose Formation in piñon-juniper woodland. A foliose lichen occurs throughout Knowlton's cactus habitat in great abundance.[9] There is no critical habitat designated for this species.	NO: Although San Jose Formation is present in the analysis area, no alluvial deposits or associated plant species were observed within the project area.
Pagosa skyrocket (*Ipomopsis polyantha*)	Endangered	Limited to Pagosa-Winifred soils derived from Mancos Shale at elevations between 6,750 and 7,775 feet. Critical habitat is located over 30 miles from the analysis area about 10 miles west of Pagosa Springs.[10]	NO: Soils derived from Mancos Shale are not present in the analysis area.
FISH			
Colorado pikeminnow (*Ptychocheilus lucius*)	Endangered	Large rivers with strong currents, deep pools, eddies, and quiet backwaters. Designated critical habitat for this species is located over 30 miles to the southwest in the San Juan River.[11]	NO: The project will not result in water depletions in the San Juan River basin. In addition, the project will not result in degradation of water quality within the San Juan River or any of its tributaries.
Razorback sucker (*Xyrauchen texanus*)	Endangered	Swift currents, eddies, and backwaters in the San Juan, Colorado, Green and Yampa Rivers. Designated critical habitat for this species is located over 45 miles to the southwest in the San Juan River.[11]	NO: The project will not result in water depletions in the San Juan River basin. In addition, the project will not result in degradation of water quality within the San Juan River or any of its tributaries.
INSECTS			

Species Name	Conservation Status	Habitat	Warranting Detailed Evaluation?
Monarch Butterfly (*Danaus plexippus*)	Candidate	Found throughout eastern and western North America in the spring and summer, laying their eggs on obligate milkweed host plant (primarily *Asclepias* spp.); migrates in the fall to overwintering sites in either mountainous central Mexico or along the California coast into northern Baja California.[12] There is no critical habitat designated for this species.	NO: There are no significant surface water resources or riparian corridors where milkweed is prevalent within the analysis area.

Sources:

[1] Endangered Species List for Southern Ute Reservation (BIA 2018)

[2] iPaC Species List for Project (Service 2021b)

[3] Revised designation of critical habitat for Canada Lynx (Service 2014a)

[4] Designation of critical habitat for New Mexico Meadow Jumping Mouse (Service 2016)

[5] Designation of critical habitat for Mexican Spotted Owl (Service 2004)

[6] Designation of critical habitat for Southwestern Willow Flycatcher (Service 2013)

[7] Determination of threatened status for Yellow-billed Cuckoo (Service 2014b)

[8] Designation of critical habitat for Yellow-billed Cuckoo (Service 2021a)

[9] Knowlton's Cactus Recovery Plan (Service 1985)

[10] Designation of critical habitat for Pagosa Skyrocket (Service 2012)

[11] Designation of critical habitat for the Colorado River Endangered Fishes (Service 1994)

[12] Monarch Species Status Assessment Report (Service 2020)

5.1.2 Species Warranting Detailed Evaluation

None of the ten species from Table 1 require detailed evaluation within this BA. The analysis area does not contain suitable habitat for any of the species, nor is critical habitat present.

5.1.3 Summary of Impacts to Federally Listed Species

The summary of impacts to the ten species is found in Table 2. The proposed action will have no effect on any of the species or their habitats. Therefore, no additional consultation for this project is required.

Table 2. Effects Determination Summary.

Species	Status	Determination of Effect
Canada Lynx	Threatened	No effect
Colorado Pikeminnow	Endangered	No effect
Knowlton's Cactus	Endangered	No effect
Mexican Spotted Owl	Threatened	No effect
Monarch Butterfly	Candidate	No effect
New Mexico Meadow Jumping Mouse	Endangered	No effect
Pagosa Skyrocket	Endangered	No effect
Razorback Sucker	Endangered	No effect

Southwestern Willow Flycatcher	Endangered	No effect
Yellow-billed Cuckoo	Threatened	No effect

5.2 Migratory Birds

All migratory birds, except those listed by the Service in 49 FR 12710-12716, are protected by the Migratory Bird Treaty Act (MBTA). The Service administers the MBTA, which prohibits the "take" (death, removal or capture) of birds, eggs, or active nests. The implications of the proposed action have been assessed in combination with the site visits, to evaluate potential impacts to migratory birds. Migratory birds common to the southwestern United States are likely to be present in the analysis area, as it contains a variety of potential nesting habitat including piñon-juniper woodland and montane shrubland. A migratory bird nest survey of the project area shall be completed by a qualified biologist if project activities are expected to occur between March 15 and August 15.

5.3 Bald and Golden Eagles

The bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) are protected under the MBTA and the Bald and Golden Eagle Protection Act (BGEPA). According to Colorado Parks and Wildlife data, no eagle nest or roost sites have been documented within the analysis area (CPW 2021). In addition, the most recent data from the Tribe's Department of Natural Resources, Division of Wildlife Resource Management, from 2017 does not reveal any sensitive bald or golden eagle sites in the analysis area. Bald and golden eagles may occasionally be found foraging in the Mesa Mountains area, however they're likely to be found closer to the Animas, Florida, and Los Piños rivers.

5.4 Culturally Important Plants

The Tribe's Natural Resource Management Plan lists 51 culturally important plants. Culturally sensitive plants are those that have historically been utilized as food, medicine, crafts, or in tribal ceremonies. The analysis area contains many of these 51 plants, including acorns, banana yucca, juniper, piñon pine, prickly pear, rabbitbrush, sunflower, sagebrush, and yarrow. Access to the analysis area for harvesting culturally important plants is limited to various oil and gas roads off La Plata County Road 310. Approval of the proposed action would not affect access to gathering areas, however approximately 2.6 acres of undisturbed montane shrubland containing culturally important plants will be removed.

6 Design Features

Design features are mitigation measures and best management practices (BMPs) developed to reduce impacts to resources in the project area. Red Cedar will adhere to all stipulations attached to a surface lease agreement amendment authorized by the BIA for the proposed project. In addition, general environmental protection measures from Section 2.4 (pages 2-18 to 2-37) of the Programmatic Environmental Assessment for 80 Acre Infill Oil and Gas Development on the Southern Ute Indian Reservation (USDI 2009) will be adopted for the proposed project, as practicable. The following site-specific mitigation measures have been developed for the project:

- A migratory bird nest survey of the project area shall be completed by a qualified biologist if project activities are expected to occur between March 15 and August 15.

- An adequate stormwater and design plan shall be developed for the facility establishing erosion and sediment control BMPs.
- Any post-construction reclamation work shall include re-seeding with Seed Mix #1 as defined in the Tribe's Range Division's On-Site Report dated January 5, 2022.

7 Document Preparation

Matthew Zabka, Sr. Environmental Compliance Specialist
Southern Ute Growth Fund, Safety and Environmental Compliance Management Group
mzabka@sugf.com
(970) 764-6491

8 Literature Cited, Reviewed and Data Sources

Bureau of Indian Affairs (BIA). 2018. Consultation with the US Fish and Wildlife Service to determine the list of species of potential ESA concern for the Southern Ute Reservation. April 2018.

Colorado Parks and Wildlife (CPW). 2021. Species Activity Mapping (SAM) dataset. Accessed at https://hub.arcgis.com/content/190573c5aba643a0bc058e6f7f0510b7/about.

Soil Survey Geographic (SSURGO). 2015. U.S. Department of Agriculture, Natural Resources Conservation Service. Available at: https://websoilsurvey.nrcs.usda.gov/.

Southern Ute Indian Tribe (SUIT). 2012. Natural Resource Management Plan, Planning Period 2012 to 2032. Department of Natural Resources.

U.S. Department of the Interior, Bureau of Indian Affairs and Bureau of Land Management (USDI/BLM). 2009. Programmatic Environmental Assessment of 80 Acre Infill Oil and Gas Development on the Southern Ute Indian Reservation. Southern Ute Indian Tribe as a cooperating agency. August 2009.

U.S. Fish and Wildlife Service (Service). 1985. Knowlton's Cactus (*Pediocactus knowltonii*) Recovery Plan. U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

US Geographical Survey (USGS). 2008. National Cooperative Geologic Mapping Program. Available at: https://ncgmp.usgs.gov/products.html.

Service. 1994. Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Colorado River Endangered Fishes: Razorback Sucker, Colorado Squawfish, Humpback Chub, and Bonytail Chub. Federal Register Vol. 59, No. 54. March 21, 1994.

Service. 2004. Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Mexican Spotted Owl. Federal Register Vol. 69, No. 168. August 31, 2004.

Service. 2008. Programmatic Biological Opinion for Water Depletions Associated with BLM's Fluid Minerals Program and Other Actions Authorized by BLM on Public Lands within the San Juan

River Basin in Colorado. ES/GJ-6-CO-08-F-002. United States Fish and Wildlife Service, Ecological Services. Grand Junction, Colorado.

Service. 2013. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Southwestern Willow Flycatcher. Federal Register Vol. 78, No. 2. January 3, 2013.

Service. 2014a. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx and Revised Distinct Population Segment Boundary. Federal Register Vol. 79, No. 177. September 12, 2014.

Service. 2014b. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Western Distinct Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*). Federal Register Vol. 79, No. 192. October 3, 2014.

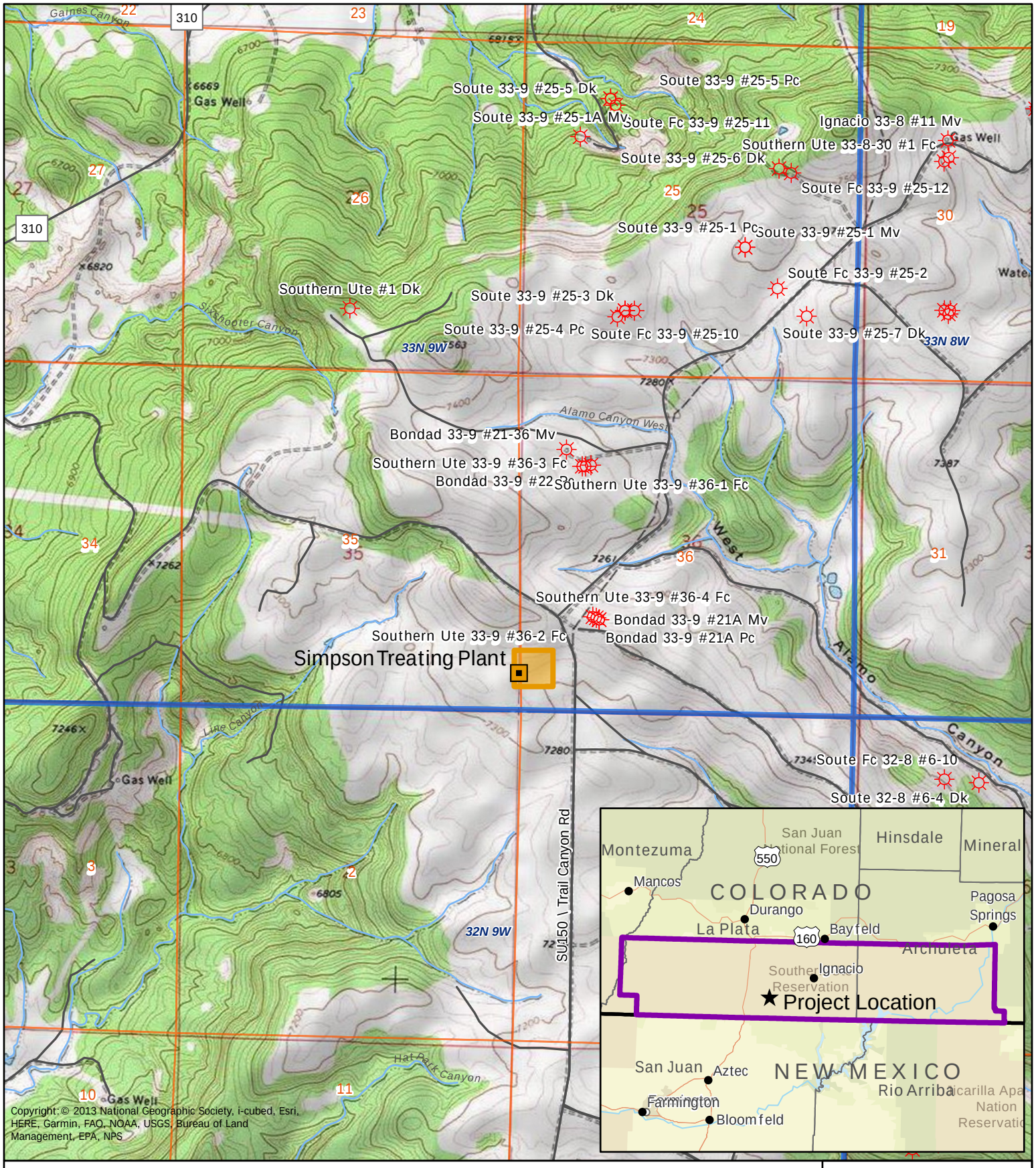
Service. 2016. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the New Mexico Meadow Jumping Mouse. Federal Register Vol. 81, No. 51. March 16, 2016.

Service. 2020. Monarch (*Danaus plexippus*) Species Status Assessment Report. V2.1 96 pp + appendices.

Service. 2021a. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-Billed Cuckoo. Federal Register Vol. 86, No. 75. April 21, 2021.

Service. 2021b. Official Species List. Western Colorado Ecological Services Field Office, Grand Junction, CO. Consultation Code 06E24100-2022-SLI-0101. December 17, 2021.

Appendix A. Project Maps



Legend

- Project Area
- Townships
- Sections
- River and Stream
- Road
- Oil / Gas Well
- Facility Location

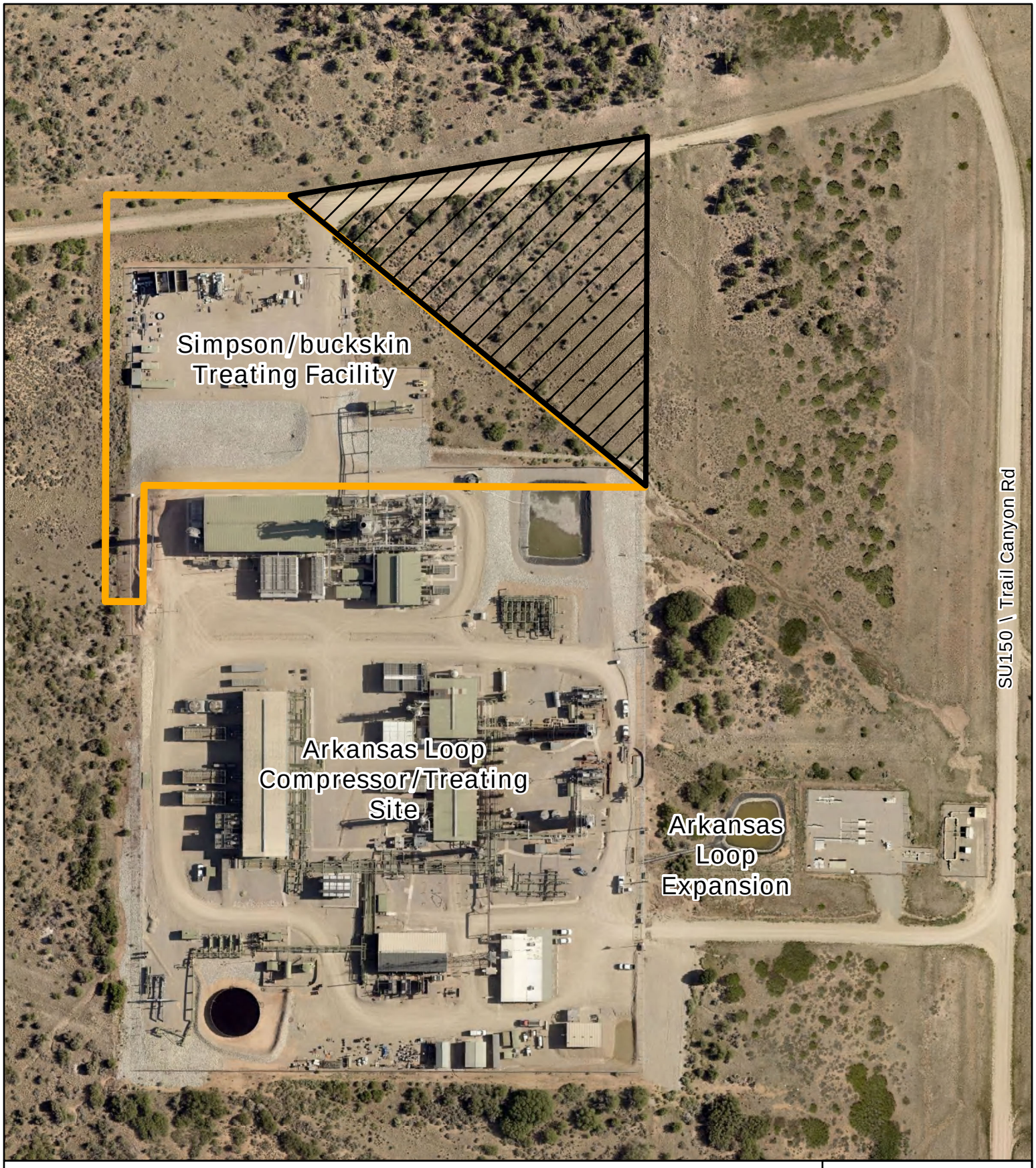
Figure 1. Overview Map
Proposed Simpson Plan Expansion

0 0.5 1 Miles

Folder: \\gf\shares\GIS\Projects\SECMG\RCG\CO2-Pipeline\Simpson Expansion\

RED CEDAR GATHERING COMPANY

Date: 1/24/2022



Legend

- Proposed Expansion Area (2.03 ac.)
- Existing Facility Boundary

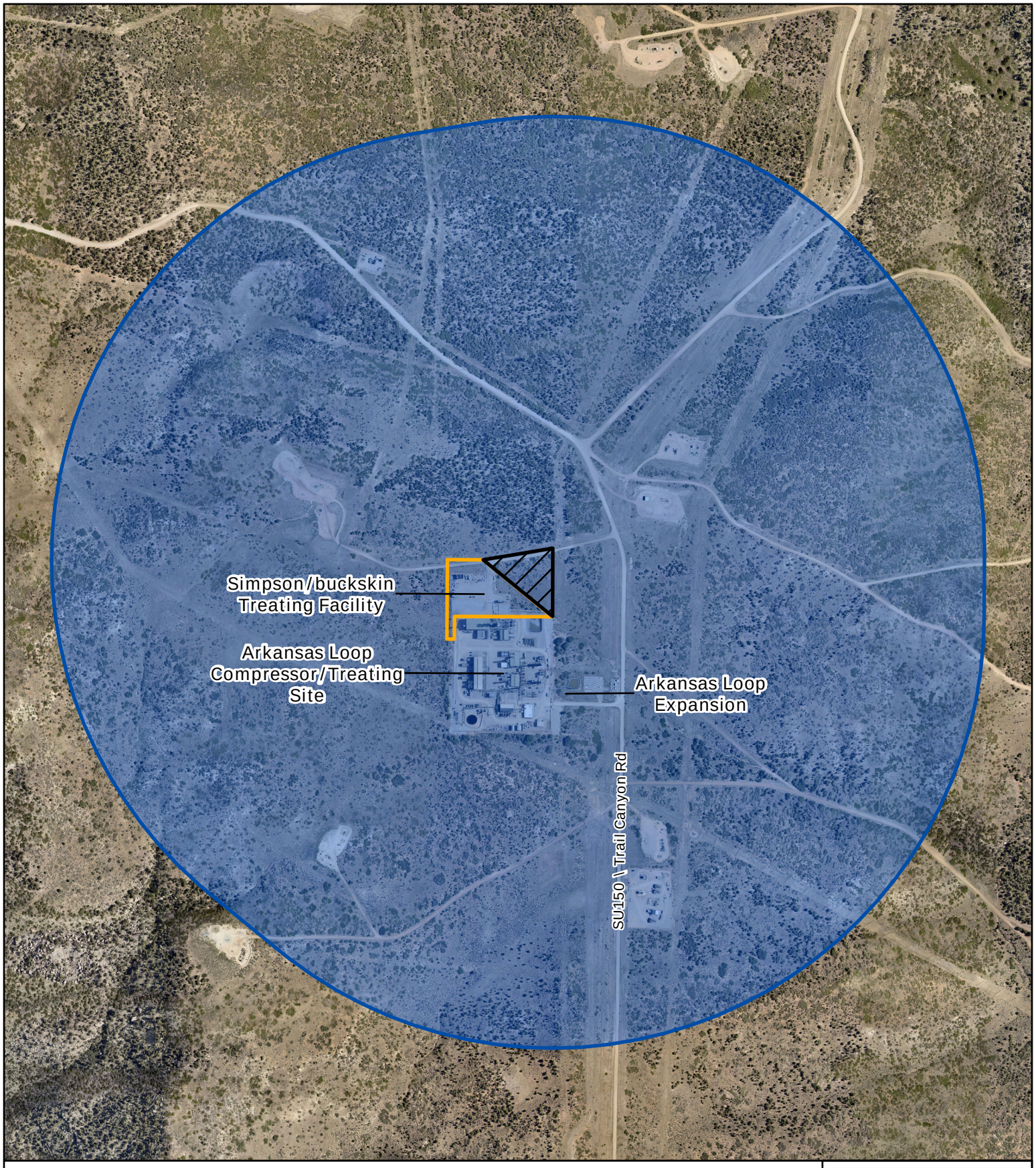
Figure 2. Detailed Map
Proposed Simpson Plan Expansion

0 100 200 Feet

Folder: \\gf\shares\GIS\Projects\SECMG\RCG\CO2-Pipeline\Simpson Expansion\

RED CEDAR GATHERING COMPANY

Date: 1/25/2022



Legend

- Proposed Expansion Area (2.03 acres)
- Action Area (.5 mile buffer)
- Existing Facility Boundary

Figure 3. Action Area Map
Proposed Simpson Plan Expansion

0 500 1,000 2,000 Feet

Folder: \\gf\shares\GIS\Projects\SECMG\RCG\CO2-Pipeline\Simpson Expansion\

RED CEDAR GATHERING COMPANY

Date: 1/27/2022

Appendix B. Endangered Species Lists

2018
THREATENED AND ENDANGERED SPECIES LIST FOR
SOUTHERN UTE INDIAN RESERVATION

April 2018

FP = Federal Proposed **FT = Federal Threatened** **FE = Federal Endangered**

Birds

1. Yellow-billed Cuckoo (FT)	*Coccyzus americanus*
2. Mexican Spotted Owl (FT)	*Strix occidentalis lucida*
3. Southwestern Willow Flycatcher (FE)	*Empidonax trailii extimus*

Mammals

4. New Mexico Meadow Jumping Mouse (FE)	*Zapus hudsonius luteus*
5. Canada Lynx (FT)	*Lynx canadensis*

Fish

6. Razorback Sucker (FE)	*Xyrauchen texanus*
7. Colorado Pikeminnow (FE)	*Ptychocheilus lucius*

Plants

8. Knowlton's Cactus (FE)	*Pediocactus knowltonii*
9. Pagosa Skyrocket (FE)	*Ipomopsis polyantha*

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Western Colorado Ecological Services Field Office
445 West Gunnison Avenue, Suite 240
Grand Junction, CO 81501-5711
Phone: (970) 628-7180 Fax: (970) 245-6933
http://GrandJunctionES@fws.gov
http://www.fws.gov/mountain-prairie/es/Colorado/

In Reply Refer To: December 17, 2021
Consultation Code: 06E24100-2022-SLI-0101
Event Code: 06E24100-2022-E-00315
Project Name: CO2 Treating Plant

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Western Colorado Ecological Services Field Office
445 West Gunnison Avenue, Suite 240
Grand Junction, CO 81501-5711
(970) 628-7180

Project Summary

Consultation Code: 06E24100-2022-SLI-0101
Event Code: Some(06E24100-2022-E-00315)
Project Name: CO2 Treating Plant
Project Type: OIL OR GAS
Project Description: Red Cedar proposes to construct a compressor station adjacent to their Arkansas Loop/Simpson natural gas treatment facility to support a future carbon dioxide sequestration pipeline. The project is located in the southwest quarter of Section 36, Township 33 North, Range 9 West, New Mexico Principle Meridian, in La Plata County, Colorado. The compressor station will consist of two compression units, a dehydration unit, and supporting facilities such as above-ground antifreeze, lube oil, and produced water storage tanks.

The project will be constructed on tribal trust surface within the exterior boundaries of the Southern Ute Indian Reservation, and thus the Bureau of Indian Affairs will be deciding whether to approve a surface use agreement for the project to be constructed. In addition, Red Cedar will be applying for an Air Quality Permit by Rule for New or Modified True Minor Sources of Air Pollution in Indian Country with the U.S. Environmental Protection Agency.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@37.054958,-107.78490996153205,14z

Counties: La Plata County, Colorado

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
New Mexico Meadow Jumping Mouse *Zapus hudsonius luteus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7965	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl *Strix occidentalis lucida* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened
Southwestern Willow Flycatcher *Empidonax traillii extimus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered

Fishes

NAME	STATUS
Colorado Pikeminnow (=squawfish) *Ptychocheilus lucius* Population: Wherever found, except where listed as an experimental population There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3531	Endangered
Razorback Sucker *Xyrauchen texanus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/530	Endangered

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

THERE ARE NO FWS MIGRATORY BIRDS OF CONCERN WITHIN THE VICINITY OF YOUR PROJECT AREA.

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical

Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

Appendix C. Plants and Wildlife Observed in the Analysis Area

Scientific Name	Common Name
Plants	
Achnatherum hymenoides	Indian ricegrass
Agropyron cristatum	Crested wheatgrass
Artemisia tridentata	Big sagebrush
Atriplex canescens	Fourwing saltbrush
Bouteloua gracilis	Blue grama
Bromus inermis	Smooth brome
Bromus tectorum	Cheatgrass
Cercocarpus montanus	Mountain mahogany
Ericameria nauseosa	Rubber rabbitbrush
Eriogonum sp.	Buckwheat
Erodium cicutarium	Redstem stork's bill
Gutierrezia sarothrae	Broom snakeweed
Helianthus annuus	Sunflower
Juniperus osteosperma	Utah juniper
Machaeranthera sp.	Tansyaster
Pinus edulis	Piñon pine
Purshia tridentata	Antelope bitterbrush
Quercus gambelii	Gambel oak
Salsola tragus	Russian thistle
Sporobolus cryptandrus	Sand dropseed
Thlaspi arvense	Field pennycress
Yucca baccata	Banana yucca
Wildlife	
Cervus elaphus	Elk (sign)
Corvus corax	Common raven
Pica hudsonia	Black-billed magpie
Pipilo maculatus	Spotted towhee
Sialia currucoides	Mountain bluebird

Appendix C BIA Cultural Resources Clearance

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Southwest Regional Office
1001 Indian School Road NW
Albuquerque, New Mexico 87104

In Reply Refer To:
620-Division of Environmental, Safety,
and Cultural Resources Management
Southern Ute 2022-061

May 17, 2022

Mr. Edward Mora
Red Cedar Gathering Co.
Southern Ute Indian Tribe
P.O. Box 787
Ignacio, Colorado 81137

Dear Mr. Mora:

We have received and reviewed a cultural resource limited results survey report dated January 31, 2022, and entitled, "Cultural Resource Survey, Red Cedar CO2 Sequestration Pipeline - Simpson Compressor Station Expansion, La Plata County, Colorado." This was prepared by Mr. Ian Crosser, Archaeologist, ERO Resources, and is numbered LP.IA.R909 We understand you have a copy of this document.

This report describes a cultural resources survey performed for a proposed project that is an undertaking as defined in 36 CFR 800.16(y) and has the potential to affect historic properties (cultural resources) located on Southern Ute Tribal lands. The survey was performed as part of the Federal requirement for compliance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to identify and evaluate any effects to historic properties that might occur as a result of our approval this project.

The survey located an isolated occurrence, 5LP11782, a ground stone tool. Isolated occurrences do not represent significant properties and 5LP117882 need not be considered further in undertaking the project. Pursuant to 36 CFR 800.4(d)(1), because no significant properties were identified in the project area, we have determined that the proposed undertaking will have no effect on any historic properties listed on or eligible for listing on the National Register of Historic Places. The Southern Ute Tribe, in their letter of March 2, 2022, has reviewed and approved this report as well as ERO Resource's management recommendations. Any new project areas, easements or improvements to existing easements, which are outside of the currently defined project area, shall require additional survey, review, and consultation. The project may proceed with the following stipulations:

1. All land-altering activities shall be confined to the area surveyed for cultural resources, and the project sponsor shall control the action of its agents at the job site to ensure that no archaeological sites are disturbed or damaged. Site disturbance or damage to sites on tribal land is a violation of the Archaeological Resources Protection Act (16 U.S.C. § 470ee) which prohibits the excavation, removal, damage, alteration or defacement, or attempt to excavate, remove, damage, alter or deface any archaeological resources [cultural resources] located on Federal or Indian Lands. Both criminal and civil penalties may be assessed (16 U.S.C. §§ 470ee and 470ff) for violations.

2. If subterranean cultural resources or human remains are encountered, all land-altering activities shall cease within 50 feet of the discovery and the Southern Ute Tribe and the Bureau of Indian Affairs (BIA), Regional Archeologist, shall be notified immediately for consultation on the treatment of the discovery.

These stipulations must be followed, or project suspensions will be issued. The responsibility of project sponsors is to notify subcontractors of the project boundaries and stipulations. Any change in the type of

development activities, change in project boundaries, or addition of new project areas, easements or improvements to existing easements, which are outside of the currently defined project area, shall require additional survey, review, and consultation.

This letter only serves as notification that National Historic Preservation Act Section 106 compliance has been completed for the subject project. It does not constitute approval of right-of-way or concurrence in the proposed activities by the BIA. This compliance is one of several legal requirements that must be accomplished before BIA approval of rights-of-way, easements, or other land use contracts for land modifying

If you have any questions, please contact Mr. Peter McKenna, Archeologist, Division of Environmental, Safety, and Cultural Resources Management, at (505) 563-3411 or at peter.mckenna@bia.gov.

Sincerely,

PATRICIA MATTINGLY

Digitally signed by PATRICIA MATTINGLY
Date: 2022.05.17 15:20:38 -06'00'

Patricia L. Mattingly
Regional Director

cc: Priscilla Avila, NEPA Coordinator, Division of Environmental, Safety, and Cultural Resources Management