

## Bratcher, Mike, EMNRD

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**From:** Pair, Randal <rpair@blm.gov>  
**Sent:** Tuesday, August 16, 2016 4:25 PM  
**To:** Van Curen, Jennifer  
**Cc:** Bratcher, Mike, EMNRD; Patterson, Heather, EMNRD; agroves@slo.state.nm.us; Baker, Larry; Fernando Banos  
**Subject:** Re: State SWD #3 flowline Proposal

Jennifer et al -

This is the first communication I have had on this project since 10/15/2015. So I may have missed some info. A few notes.

Secs 1 & 2 - Why were the samples analyzed only for chlorides, and not for TPH and BTEX? As I noted in an earlier email (10/8/2015), due to the very limited BLM surface involved, I am willing to follow OCD's lead on this spill remediation. If OCD decided chlorides only, that is OK with me; but that should be documented here. Sec 3.2 archeology. As noted, the BLM area has been surveyed for cultural resources, with none identified at this location. But on the State section, the Permian Basin Programmatic Agreement is not applicable. Though I will leave that to the SLO.

Sec 3.7 wildlife. This area is included in the area for which BLM protects the dune sagebrush lizard. As I noted in an earlier email (10/8/2015), excavations should have one side ramped at 45-degrees or less, so that lizards (or other wildlife) who fall into the excavation can get out.

Sec 4.1 soil remediation. Any fill brought into the Federal surface area must be virgin, not remediated. No caliche may be removed from Federal surface without paying BLM for it - except for contaminated material disposed at an OCD approved facility. Installation of a liner will require separate approval by me.

If Jennifer can clarify these points, I will re-evaluate the remediation plan.

Because Jennifer (and possibly others) may not have seen my 10/8/2015 email, I am copying it here:

"Mr. Baker -

"This appears to be a release from Apache's pipeline R/W on BLM land, R/W ID No NM-126649. Therefore I will be handling all approvals for cleanup on BLM land. Generally, I expect to follow OCD's lead on this. Copy me on any proposed remediation plan for my approval, forward me all lab results, and get my approval before backfilling on BLM land.

"It appears all of the BLM land was surveyed for archeology, so that is not an issue. However, this area is occupied by the Dune Sagebrush Lizard; so all excavations should have at least one side ramped no steeper than 45-degrees (so any lizard that falls in can get out).

"All excavated material should be hauled off to a designated landfill (keep copies of load tickets, in case I ask for them), and any replacement fill should be virgin material (not remediated)."

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On Tue, Aug 16, 2016 at 2:36 PM, Van Curen, Jennifer <[Jennifer.VanCuren@arcadis.com](mailto:Jennifer.VanCuren@arcadis.com)> wrote:  
All,

Please see the attached plan for the release located in Section 19, T17S, R31E at 32.816536, and -103.916730 in Eddy County, NM.

Please approve the attached plan with any conditions of approval required to begin work as soon as possible.

Thank you for your time reviewing this plan.

Jennifer Van Curen  
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Anger is just one letter short of danger.  
Unknown

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