

**United States Department of the Interior
Bureau of Land Management**

**Finding of No Significant Impact
Environmental Assessment
DOI-BLM-UT-Y010-2011-0048 EA
February 2018**

**PLAN OF OPERATIONS AMENDMENT
LA SAL MINES COMPLEX,
SAN JUAN COUNTY, UTAH**

Location: The La Sal Mines Complex is located in portions of:

T. 28 S., R. 25 E., Sec. 31 and 32
T. 29 S., R25E, Sec. 5, 6 and 7
T. 28 S., R24E, Sec. 34, 35 and 36
T. 29 S., R24E, Sec. 1, 2 and 3
Salt Lake Meridian, Utah

Applicant: Energy Fuels Resources (USA) Inc.
Address: 225 Union Blvd., Suite 600
Lakewood, CO, US, 80228

U.S. Department of the Interior
Bureau of Land Management
Moab Field Office
82 East Dogwood
Moab, Utah 84532
Phone: (435) 259-2100
Fax: (435) 259-2106



FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-UTY010-2011-0048-EA

PLAN OF OPERATIONS AMENDMENT
LA SAL MINES COMPLEX,
SAN JUAN COUNTY, UTAH

INTRODUCTION

The Bureau of Land Management (BLM), Moab Field Office has conducted an environmental analysis to assess the potential impacts associated with the proposed Plan of Operations Amendment (POA) for the La Sal Mines Complex in San Juan County, Utah. The environmental analysis is documented in the attached environmental assessment (DOI-BLM-UTY010-2011-048-EA).

This EA was completed with coordination and cooperation with the U.S. National Forest Service, Manti-La Sal National Forest (USFS). This Finding of No Significant Impact (FONSI) only applies to lands managed by the BLM.

The Plan of Operations was submitted by Denison Mines (USA) Corp. The La Sal Mines Complex and other Denison assets in the United States were acquired by Energy Fuels Inc. in 2012, and the company was renamed Energy Fuels Resources (USA) Inc. (Energy Fuels). Therefore, Energy Fuels is the proponent for the proposed POA. The POA entails the following:

- Expansion of the development rock pile at the Pandora Mine. The expansion would affect an additional 11.3 acres of additional land at the Pandora Mine. The expansion of the development rock pile requires the realignment of a drainage channel and the creation of a topsoil storage area.
- Construction of temporary drilling sites and access roads to support ongoing exploration drilling activities. Exploration drilling will be phased over a 20-year period and lead to 17 acres of surface disturbance. The disturbance is temporary as drill locations and access would be reclaimed and reseeded.
- Installation of ventilation shafts to provide for inflow and exhaust of air to support underground mining to be installed during the approximately 20 year mine life as required by the ongoing mining operations. The proposed surface disturbance is about 8 acres over the 20 year time period.

The purpose and need for this action is to allow Energy Fuels to exercise its rights under U.S. mining laws while protecting the environment in accordance with BLM regulations at 43 CFR 3809. The proposed action is to approve the POA as modified through analysis in the EA for the La Sal Mines Complex on BLM-managed lands.

A detailed description of the Proposed Action and alternatives is provided in Sections 2.2 through 2.4 of the EA. The BLM considered three alternatives, as documented in the EA: Alternative A: the Proposed Action; Alternative B: the No Action Alternative and Alternative C: the Requires Modifications to the Proposed Action before Approval Alternative. The EA also includes two alternatives that were considered but not carried forward for analysis which are described in Section 2.5 of the EA.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the EA and the supporting documents, I have determined the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed.

This FONSI is based on the context and intensity of the project as described:

Context: The La Sal Mines Complex project POA was evaluated with respect to local, regional, short-term and longer-term contexts. Because this is a site-specific action that would apply only to activities on BLM-managed lands associated with the La Sal Mines Complex, most effects will be local in nature. These local effects include new short-term disturbance to approximately 27 acres and longer-term disturbance to approximately 11.3 acres. The short term disturbance will be associated with exploration drilling, ventilation shaft construction and construction of roads to support these activities, and the longer term disturbance will be associated with operation of facilities that are needed for the life of the mine including ventilation shaft operation and surface support facilities for the underground mine. The figures of 212 acres of short-term disturbance and 48 acres of long-term disturbance include all anticipated disturbance associated with the project including disturbance to lands managed by BLM, the Manti-La Sal National Forest Service (USFS), State of Utah, and private lands. These values also include the cumulative disturbance caused by the project that will occur over the approximate 20-year mine life. Additional information regarding disturbance associated with the project is presented in Sections 2.2 and 2.4 of the EA.

The short-term disturbance will be reclaimed following completion of the exploration work, and, therefore, the short-term disturbance in any given year will be limited. For example, short-term disturbance on BLM-managed lands during any given year will range from 2 to 5 acres. This

disturbance will be reclaimed after the work is completed, and the disturbed areas will begin to regenerate a self-sustaining vegetative cover that meets the BLM requirements of 70-percent or better cover. The longer-term disturbance of 8 acres for ventilation shafts and 11.3 acres for the Pandora Mine development rock expansion, will remain for the approximately 20-year mine life, and will be reclaimed after permanent cessation of mining activities. At that time, those disturbed areas will begin to regenerate a self-sustaining vegetative cover that meets the BLM requirements of 70-percent or better cover. During the initial years after reclamation, the reclaimed vegetation will be at earlier seral stages than adjacent areas of pinion juniper forest, which will provide for diversity in habitat types in the area. Over a period of years to decades after reclamation, these areas will naturally regenerate into seral stages that are similar to the existing vegetation in the area. Effects to vegetation and associated wildlife habitat are discussed in the EA in Section 4.15 and Section 4.17.

As in the past, under the POA, ore produced at the La Sal Mines Complex will be hauled to the White Mesa mill near Blanding, Utah, for mineral processing. Potential regional effects associated with haulage of the ore and mineral processing are analyzed in the EA. Increases to regional truck traffic on Utah State Routes 46 and 191 will range from approximately 2 to 3 percent, which is considered minor. Potential effects to air quality and groundwater at the White Mesa mill were also examined. These effects will also be minor, because the White Mesa mill is an existing facility that operates under approved mineral processing, air quality and groundwater discharge permits. Uranium production at the White Mesa Mill utilizes ore mined at other locations, and is not dependent on ore produced at the La Sal Mines Complex. However, if the La Sal Mine Complex and the White Mesa Mill were both producing and processing at full capacity, then the La Sal Complex could contribute 37 percent of the White Mesa Mill's feed. Potential effects on air quality, development rock, groundwater, radiological concerns socioeconomics, and transportation are described in the EA in Sections 4.2.2, 4.3.1, 4.3.1.3, 4.3.5.2, 4.3.5.3, 4.3.8, 4.3.11, and 4.3.13.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following criteria have been considered in evaluating intensity for this proposal:

1. Impacts that may be both beneficial and adverse.

The environmental impacts of Alternative C are fully disclosed in the EA. Mitigating measures to reduce impacts were incorporated into the Proposed Action. None of the environmental effects discussed in detail in the EA and associated appendices are considered

significant, nor do the effects exceed those described in the Moab Field Office Proposed RMP/FEIS.

Effects analysis shows minor impacts to air quality, groundwater noise, radiological concerns (including radon socioeconomics transportation, wildlife and worker health and safety).

Uranium produced from the project would be used to generate electricity by cleaner nuclear fuel technologies which may result indirectly in a small beneficial reduction in global carbon dioxide levels.

2. The degree to which the Proposed Action may affect public health or safety.

The potential effects to public health and safety in relation to air quality, development rock, groundwater, noise, radiological concerns, surface water, transportation and worker health and safety were analyzed. These effects analyses are discussed in the EA in Sections 4.3.1, 4.3.3, 4.3.5, 4.3.8, 4.3.13 and 4.3.17 respectively. The mine must comply with existing state and federal requirements for protection of air quality, groundwater, radiological effects, surface water, transportation, and worker health and safety. These existing state and federal laws were designed for protection of public health and safety and the environment, and the level of protection provided by these laws is adequate to protect public health and safety. Also, additional mitigation is included in Alternative C and in Appendix G of the EA which will provide for further protection of public health and safety. For example, although no existing laws regulate noise levels produced by ventilation fans, specific design features of Alternative C will provide for reduced noise levels at new ventilation fans. Similarly, although no existing laws regulate post-reclamation radiological dose levels at reclaimed development rock areas, Alternative C includes a specific design feature that requires a post-reclamation radiological dose level that is equal to, or lower than, standards applied to similar facilities by state and federal laws and US Environmental Protection Agency (EPA) guidance.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

As listed in Appendix B-Interdisciplinary Team Checklist of the EA, the following Critical Elements of the Human Environment will not be affected because they are not present in the project area: Areas of Critical Environmental Concern (ACEC), Prime or Unique Farmlands, Wetlands or Riparian Zones, Wild or Scenic Rivers, and Designated Wilderness or Wilderness Study Areas (WSA).

The characteristics of the geographic area being affected by the project are not unique or ecologically critical. The vegetation and habitat types being affected are common on BLM-managed lands and on adjacent federal lands managed by the USFS.

Canyonlands National Park is located approximately 27 miles west of the La Sal Mines Complex. Potential air quality effects were analyzed in the EA (Section 4.3.1), and the project is unlikely to cause adverse effects to air quality at Canyonlands National Park.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The environmental effects analysis was completed by a team of interdisciplinary technical specialists including BLM resource specialists, USFS resource specialists, and consultants with expertise in the various resource areas assessed in the EA. Based on the results of this interdisciplinary assessment, the anticipated effects to the quality of the human environment presented in Chapter 4 of the EA are not controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The environmental effects analysis (EA, Chapter 4) demonstrates the impacts of the project are not uncertain and do not involve unique or unknown risk. Uranium mining has been conducted in the United States since the 1950's, and the potential effects of uranium mining on the human environment are well-documented. A mature regulatory framework currently exists at the federal and state levels, which strictly regulates uranium mining and reduces potential effects of uranium mining on the human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The project is a site-specific action, which would authorize the proponent to exercise their rights under the General Mining Law as amended. The decision applies only to the proposed POA at the La Sal Mines Complex, and does not establish a precedent for any future actions.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.

Past, present and reasonably foreseeable actions were considered and analyzed in conjunction with the proposed activities. The cumulative effects discussed in the EA are not considered significant. Cumulative effects are disclosed in Chapter 4 of the EA.

The effects related to the White Mesa Mill were included in the effects analysis in Chapter 4 of the EA. The White Mesa Mill does not rely solely on production from the La Sal Mines Complex to maintain its operations, however, the La Sal Mines Complex, if operating at full capacity could contribute 37 percent of the feed the mill processes.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

A Class III cultural resource survey was completed for the Pandora Mine development rock expansion area. During the survey an isolated find was made and is not considered to be eligible for listing on the National Historic Register. A “no effect on historic properties” determination was made and concurred with by the State Historic Preservation Office (SHPO).

Cultural resources that require protection may be present in the project area, where exploration and ventilation shafts could be placed, however, the selected alternative, Alternative C, includes a design feature that requires pre-construction surveys for cultural resources and avoidance of any sites that are eligible for listing on the National Historical Register. A Programmatic Agreement (PA) is in place between the State Historic Preservation Office (SHPO), BLM, USFS, Energy Fuels and the Utah Public Lands Policy Coordinating Office, to ensure the project would not cause loss or destruction of significant cultural or historical resources. Eleven Tribes were invited to be signatories to the PA but declined stating they would like to consult through the government-to-government process.

Consultations were also conducted with 15 representatives of 8 tribes in order to identify any concerns related to traditional cultural properties or sacred sites. BLM received responses from two tribes—the Southern Ute Indian Tribe and the Hopi Tribe. BLM representatives held a consultation meeting with the Southern Ute Tribal Council, who expressed concerns about air quality. The Hopi Tribe responded with a letter dated March 28, 2011, stating that they support the identification and avoidance of prehistoric archaeological sites and consider them to be traditional cultural properties.

No other specific sites or areas of concern to the tribes were identified as a result of these consultations. The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.


9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.**

A biological assessment and evaluation was conducted and is included as part of the EA (Appendix J of the EA). The biological assessment and evaluation determined there is no endangered or threatened species occurring in the project area (EA, Section 3.3.14). There is no habitat and therefore no presence of the Gunnison sage grouse, yellow-billed cuckoo, southwestern willow flycatcher, Mexican spotted owl, California condor, Bonytail, Colorado pikeminnow, greenback cutthroat trout, humpback chub, razorback sucker and Navajo sedge within the project area. Therefore it is unlikely the project would affect endangered or threatened species.

BLM sensitive species, USFS sensitive species and State of Utah species of concern that have the potential to occur in the project are the bald eagle, big free-tailed bat, ferruginous hawk, flammulated owl, fringed Myotis, Gunnison's prairie dog, Lewis's woodpecker, northern goshawk, peregrine falcon, spotted bat and Townsend's big-eared bat. The analysis in the EA indicates that the impacts the bat policy in the POA provides adequate protection of bat species. In the case of bird species, the requirement for pre-construction surveys to identify the presence of nesting birds provides adequate mitigation to protect these species. Effects to wildlife are addressed in Section 4.3.16 of the EA.

10. **Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.**

The project does not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. Federal, state, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Although several comments were received, none of the respondents identified a violation of applicable environmental laws, regulations, or other requirements. In addition, the project is consistent with applicable land management plans, policies, and programs.



Edwin L. Roberson
State Director

23 FEB 2018

Date