

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

**Decision Record
Environmental Assessment
DOI-BLM-UT-Y010-2011-0048-EA
Plan of Operations Amendment UTU88241**

February 2018

**ENVIRONMENTAL ASSESSMENT
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

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Plan of Operations Amendment UTU-088241

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

It is my decision to approve the Plan of Operations Amendment (POA), for the La Sal Mines Complex (UTU-088214) as proposed by Denison Mines (USA) Corp.(Denison) (now owned and operated by Energy Fuels Resources (USA) Inc. (Operator) as analyzed under Alternative C in the Environmental Assessment (EA) (DOI-BLM-UTY010-2011-0048 EA). This decision includes all Conditions of Approval as presented in Attachment 1.

The La Sal Mines Complex is a group of four underground uranium mines located near La Sal, Utah in San Juan County, Utah. The mines within the La Sal Mines Complex that are included in the POA are the Beaver Shaft, La Sal, Pandora and Snowball Mines.

The Operator proposes compilation of previously approved Plans of Operation (Case File number UTU-069800, Pandora Mine and Case File Number, UTU-069812 for the Beaver Shaft, La Sal and Snowball Mines into one new POA (Case File number UTU-088241) to simplify regulation of existing mine disturbance by the Bureau of Land Management (BLM) and to facilitate efficient environmental compliance by the Operator. This facet of the POA addresses existing disturbed areas on BLM-managed lands associated with the La Sal Mines Complex. This is largely an administrative task that does not require re-approval of previously approved facilities at the La Sal Mines Complex, but it presents an opportunity for the BLM to apply modern requirements for environmental protection and reclamation to these previously approved activities. The POA includes modifications to the reclamation plans for the four mines within the La Sal Mines Complex and interim management plans for existing mine facilities in accordance with current BLM requirements.

This POA approval authorizes the Operator to extract uranium resources utilizing underground mining techniques and associated surface disturbance on federal lands administered by the BLM. The BLM and United States Forest Service, Manti-La Sal (USFS) analyzed the POA in an EA that addressed mining activities on BLM and USFS-managed lands as well as mining activities on private lands, and State of Utah-School and Institutional Trust Lands Administration (SITLA) lands that are encompassed by the La Sal Mines Complex. The BLM and the USFS analyzed the combined effects of these mining activities on the environment in this EA. However, my decision only applies to the components of the La Sal Mines Complex POA occurring on lands managed by the BLM.

Under the approved POA, the surface disturbance at the Pandora Mine would increase from 9 acres to 20.3 acres. The Pandora Mine is an underground mine operation. However, the development rock which is removed to access the ore is placed on the surface near the mine entrance. The surface disturbance at the Pandora Mine is associated with the expansion of the development rock area. By expanding the development rock area, the Operator will be able to reduce the existing slope angle of the current development rock angle that will ease future reclamation and expansion of the development rock area will add more capacity for storage of development rock generated by future mining. For use in future reclamation, the Operator will salvage the topsoil from the expansion area and stockpile it near the development rock area. To accommodate the expansion of the development rock area, the Operator will relocated an existing drainage located near the western base of the development rock area further to the west.

The EA includes analysis of the effects of surface disturbance related to future exploration drilling and ventilation shaft installation during three phases through the 20-year life of the mines within the La Sal Mines Complex. The Operator anticipates Phase 1 exploration drilling and ventilation shaft installation will take place within 3 years. The Operator proposed to conduct these activities to the northeast of the Pandora Mine surface facilities and the area west of the Beaver Shaft Mine. Exploration drilling in the Phase 1 area would include the installation of 24 ventilation shafts and 60 exploration drill holes spread across BLM, USFS, Utah School Institutional and Trust Lands Administration (SITLA)-managed lands and private lands, for a total surface disturbance of 32 acres. Table 1 provides the estimated future disturbed areas associated with these proposed activities for Phase 1 on BLM-managed lands.

Table 1: Phase 1 disturbed area (approximately years 1-3)

BLM land ventilation shafts (4) ¹	4 Acres
BLM exploration drilling (12 holes) ²	2 Acres
Total BLM disturbance	6 Acres

Notes:

- (1) Typical disturbance from ventilation shafts include 0.25 acres per ventilation shaft and approximately 0.75 acres per ventilation shaft for new roads.
- (2) An estimated surface disturbance area for each drill hole is 30 feet by 40 feet (less than 0.1 acres). Total disturbance per drill hole including associated access roads is assumed to be approximately 1/8 acre (0.125 acres).

Phase 2 activities will be located to the north of the Pandora Mine surface facilities and west of the Beaver Shaft Mine on lands managed by the USFS and the SITLA and under private ownership. The Operator does not propose exploration drilling and/or ventilation shaft installation on BLM-managed lands during this phase. However, the Operator proposes 23 ventilation shafts and 100 exploration drill holes (a total of 36 acres of surface disturbance) to occur on USFS, SITLA-managed lands and private lands starting after completion of Phase 1 and extending for approximately 12 years.

Exploration drilling in the Phase 3 area would include up to 240 exploration holes spread across BLM, USFS, State-managed lands and private lands within a period of 12 or more years. Table 3 presents the estimated future disturbed areas associated with these proposed activities on BLM-managed lands.

Table 2: Phase 3 disturbed area estimates (approximately years 12-20)

BLM land ventilation shafts (6) ¹	6 Acres
BLM exploration drilling (120 holes) ²	15 Acres
Total BLM disturbance	21 Acres

Notes:

- (1) Typical disturbance from ventilation shafts include 0.25 acres per ventilation shaft, and approximately 0.75 acres per ventilation shaft for new roads.
- (2) An estimated surface disturbance area for each drill hole is 30 feet by 40 feet (less than 0.1 acres). Total disturbance per drill hole including associated access roads is assumed to be approximately 1/8 acre (0.125 acres).

Exploration drill holes, ventilation shafts and their access roads will be located within the analysis area of the EA, which is defined as the mineral leases and claim block owned by the Operator. As it becomes available, the Operator will provide information on the specific locations of exploration drill holes, ventilation shafts and access routes to the BLM and the BLM will assess and approve the future actions through standard regulatory procedures.

As in the past, the POA proposed to transport ore produced at the La Sal Mines Complex 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. The EA also contains analysis of potential effects to air quality and groundwater at the White Mesa mill. These effects will 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 uranium ore mined at other locations, and is not dependent on ore produced at the La Sal Mines Complex. 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.

The La Sal Mines Complex currently has an adequate financial guarantee (reclamation bond) that covers existing disturbance associated with mining activity on BLM-managed lands as required at BLM regulations 43 CFR 3809.551. A revised reclamation bond will be required prior to the implementation of any of the surface disturbing activities authorized by this decision. The BLM will calculate a reclamation bond, and the Operator must submit the required bond prior to approval to commence surface disturbing activities.

Authorities: The authority for this decision is contained in the Federal Land Policy and Management Act (FLPMA) of 1976.

Compliance and Monitoring: The BLM will routinely inspect operations to verify compliance with the approved Plan of Operations Amendment and as outlined in the Code of Federal Regulations at 43 CFR 3715 and 43 CFR 3809.

Attachment A lists the specific monitoring programs the Operator will be required to implement. These include the monitoring programs proposed by the Operator in its POA and others required by the BLM as Conditions of Approval as outlined in Alternative C of the EA.

Conditions of Approval: Potential impacts of the action are mitigated through additional conditions of approval, which are integral to Alternative C. These protective/mitigation measures are incorporated into the POA. Alternative C also incorporates the requirements of all applicable federal, state, and local laws, regulations, and permits as specified in Section 1.6 of the EA, and all applicable management actions prescribed in the BLM land use plan, including best management practices, standard operating procedures, and stipulations. The conditions of approval analyzed as Alternative C and listed as Appendix G of the EA are included as Attachment A of this decision.

PLAN CONFORMANCE

The Proposed Action is in conformance with multiple management objectives and decisions of the BLM Moab Field Office Record of Decision and Resource Management Plan (RMP), approved in October 2008. The RMP provides for a variety of mineral exploration and development activities within the planning area. The BLM's goals and objectives for management of mineral resources, as stated in the RMP, are to "provide opportunities for environmentally responsible exploration and development of mineral and energy resources subject to appropriate BLM policies, laws and regulations." (*RMP, pg. 73*). Alternative C is also consistent with Minerals Decision 6 (MIN-6) of the RMP: "*Existing operations will continue to be subject to the stipulations developed for the notice or the plan of operations. The BLM will evaluate all operations authorized by the mining laws in the context of its requirement to prevent unnecessary and undue degradation of Federal lands and resources (RMP, pg. 74).*"

LAWS AND REGULATIONS

This decision is consistent with the following laws, regulations and executive orders:

Mining Law of 1872 as Amended

This law confers a statutory right upon individuals to enter onto public lands to search for minerals. The BLM surface management regulations (43 CFR 3809) encourage mineral development on public lands that are legally open for mineral entry.

Mining and Minerals Policy Act of 1970

This legislation established the federal government's overall policy to foster and encourage private enterprise in the development of economically sound and stable industries. The Act identified the need for

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the orderly and economic development of domestic resources to help assure satisfaction of industrial, security and environmental needs.

Federal Land Management and Policy Act of 1976

Under this law in managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands. The decision to require specific modifications to the La Sal Mines Complex POA prior to approval (Alternative C) minimizes the impacts of mining on lands managed by the BLM.

National Environmental Policy Act of 1969

The EA for the La Sal Mines Complex POA discloses the effects of the proposed action and its alternatives on the human environment. The public and internal scoping process identified the issues and alternatives that the BLM analyzed in the EA. The BLM made the EA available for a 30-day public comment and the USFS made a draft decision and EA available to the public as part of its NEPA process.

Clean Air Act of 1970, as Amended

The La Sal Mines Complex is subject to the requirements of the federal Clean Air Act as amended. The State of Utah's Department of Environmental Quality (UDEQ), Division of Air Quality administers the air permits for the operation. Emissions from regulated sources are managed through issuance of air quality permits called Air Approval Orders. An existing Approval Order is in place, which authorizes air emissions associated with underground mining operations, ore and rock handling and storage, diesel generator and air compressor operations, and ore transport (EA, Chapter 4). The La Sal Mines Complex is also subject to the radon emissions limits set forth in the National Emissions Standards for Hazardous Air Pollutants (EA Chapter 4). The Operator is also required to report radon emissions to the Environmental Protection Agency.

Clean Water Act of 1972, as Amended

The project is subject to the requirements of the Clean Water Act as amended. The State of Utah has delegated authority to administer portions of the Clean Water Act in Utah, and regulatory requirements for surface water are set forth in existing Utah Surface Water Quality Standards. The State of Utah's water quality anti-degradation policy requires maintenance of water quality to protect existing in-stream beneficial uses on streams designated as Category 1 High Quality Waters. However, no perennial or intermittent surface water bodies are present on BLM-managed lands that will be affected by the project. The Operator proposes to realign an ephemeral drainage to accommodate expansion of the Pandora Mine development rock area. The impacts to water quality are analyzed in Section 4.13 of the EA. (In addition, an existing General Stormwater Permit for Discharges Associated with Industrial Activity from Metal Mining issued by UDEQ is in place for the project (EA, Section 3.3.12).

Endangered Species Act

A Biological Assessment and Evaluation was completed for this project, which determined that no species listed as threatened or endangered by the US Fish and Wildlife Service have the potential

to occur in the project area and the project would have no effect on those species. Effects to wildlife including endangered species are addressed in Sections 3.3.16 and 4.3.16 of the EA.

Bald and Golden Eagle Protection Act

Bald and golden eagles are addressed in Sections 3.3.16 and 4.3.16 of the EA and Conditions of Approval are in place to provide additional protection measures.

Migratory Bird Treaty Act (MBTA)

The EA analyzes impacts to migratory birds and contains additional protection measures that are presented in the Conditions of Approval.

National Historic Preservation Act

The selected alternative requires pre-construction cultural resources surveys and avoidance of any cultural resources that are eligible for listing on the National Register of Historic Places. The Operator will address any effects to cultural resources through the Conditions of Approval as shown in Attachment 1 and per the Programmatic Agreement. Effects to cultural resources are discussed in Section 4.3 of the EA.

Executive Order 13690 (Floodplain Management) and Executive Orders 11990 (Protection of Wetlands)

No floodplains or wetlands occur on BLM-managed lands within the La Sal Mines Complex Project Area.

Executive Order 12898 (environmental justice):

No low-income or minority populations would be adversely or disproportionately affected by the project.

BLM Regulations 43 CFR 3809 and 43 CFR 3715

The Operator submitted the POA under the authority of the 1872 Mining Law as amended. The BLM derives the authority to regulate such activities from the 1897 Organic Act (16 USC 478, 551), the Multiple Use Mining Act of 1955 (30 USC 612), and Mining and Mineral Policy Act of 1970 as reissued in the 1990s. The BLM decision regarding the POA must be in accordance with BLM Surface Management mining regulations at 43 CFR 3809 and Use and Occupancy under the Mining Laws at 43 CFR 3715.

ALTERNATIVES CONSIDERED

The EA analyzed three alternatives: Alternative A, the Proposed Action; Alternative B, the No Action; and Alternative C, Require Modifications to the Proposed Action. A summary Alternatives A, B and C is presented below and discussed in detail in Sections 2.2, 2.3 and 2.4 of the EA. The BLM considered two additional alternatives but eliminated them from further analysis (EA, Section 2.5) descriptions of which are provided below.

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Alternative A-Proposed Action

Alternative A would approve the POA as submitted by The Operator, and authorize the following activities on public lands managed by BLM:

- Expansion of the development rock area surface facilities at the Pandora Mine
- Construction of temporary drilling sites and access roads to support exploration drilling
- Installation of ventilation shafts to provide for inflow and exhaust of air to support underground mining.

Alternative A proposes the compilation and modification of activities previously approved under two separate and existing BLM Plans of Operation and three USFS Plans of Operation and their associated modifications. These POA's include all existing disturbed areas associated with the La Sal Mines Complex resulting from historic operations that are not fully delineated in the current Plans of Operation or in correspondence with previous operators.

Alternative A includes expansion of an existing development rock pile at the Pandora Mine, which is located on federal lands managed by the BLM. The proposed expansion would affect approximately 6 acres of additional land at the Pandora Mine. Following the completion of mine operations, the development rock pile will be reclaimed in place through regrading, providing for permanent surface water drainage control, placing topsoil as available, and seeding to establish vegetation.

Alternative A also includes construction of temporary drilling sites and access roads that support exploration drilling activities. The drilling process requires access for a truck-mounted drill rig and ancillary support vehicles, and construction of temporary drill sites. This temporary disturbance is only required for the time necessary to drill and then plug the exploration drill hole. Therefore, reclamation of disturbance caused by drilling activities will be done seasonally after drilling operations cease in an area. This would limit the disturbance to BLM surface resources at any given time.

Alternative A includes additional ventilation shafts that would be installed during the approximate 20-year mine life as required by the ongoing mining operations. The ventilation shafts are vertical holes that are approximately 6 feet diameter, extending from the surface into the underground mine workings. The surface openings into the ventilation shafts will be secured with metal protective structures during mining operations. Ventilation shafts will be reclaimed after mining ceases at the La Sal Mines Complex, by backfilling the shafts and sealing the surface openings.

Alternative A proposes compilation of previously approved Plans of Operation and all existing disturbed areas associated with the La Sal Mines Complex into one Plan of Operations to simplify regulation of the mine disturbance by BLM and USFS and to facilitate efficient environmental compliance by the operator. Alternative A also proposes modifications to reclamation and interim management plans for existing mine facilities.

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Alternative B - No Action

Alternative B is the No Action alternative, which assumes expansion will not occur at the La Sal Mines Complex. Mining operations would continue under existing Plans of Operation until mining ceases because of either a lack of required ventilation shafts, lack of exploration drilling or economic factors. Under Alternative B, the La Sal Mines Complex would be reclaimed in accordance with reclamation requirements of the existing Plans of Operations when mining operations are complete.

Alternative C - Require Modifications to the Proposed Action (Conditions of Approval)

Alternative C was developed to address resource issues identified through public and internal scoping, and to comply with BLM and USFS mining regulations, agency directives and land-use management plans. The alternative includes additional design features identified through the NEPA process and described in Attachment 1, which will provide for improved protection of the environment as compared to either Alternative A or Alternative B. These design features will reduce effects to cultural resources, wildlife, vegetation and other surface resources of BLM-managed land, and will facilitate effective reclamation of mining-related disturbance after the project is complete. Alternative C also includes conditions of approval, which are described in Attachment 1. These conditions of approval are based on best management practices for locatable minerals development on BLM, requirements of BLM and USFS land-use management plans, and BLM and National Forest Service experience managing plans of operations for locatable minerals operations.

Examples of additional design features of Alternative C are summarized below with respect to selected resource issues:

Cultural Resources: Alternative A includes exploration drilling, ventilation shaft development and road construction, which would be conducted on BLM lands in three phases. The perimeter of each phase of proposed work was defined in the POA. However, the specific location of drilling sites and ventilation sites within the Phase 1, Phase 2 and Phase 3 perimeters was not specified. This could lead to adverse effects, if the proposed activities disturbed unidentified cultural resources (EA, Section 4.3). Alternative C requires pre-construction cultural resource surveys on BLM-managed lands and avoidance of any sites identified and determined eligible for listing on the National Register of Historic Places. This will facilitate protection of cultural resources from direct effects of mineral development. Additional design features that will further protect cultural resources are included in the Conditions of Approval for Alternative C (Attachment 1).

Groundwater: Although the effects analysis shows that it is not likely the project will affect groundwater quality or quantity, several concerns were identified through scoping related to potential effects to groundwater. Therefore, specific design features were developed to provide for better protection of this important resource than would be offered by Alternative A or Alternative B. For example, Alternative C requires modifications to the proposed reclamation method for

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ventilation shafts that intersect the D-aquifer, and requires groundwater monitoring to identify any unanticipated effects to groundwater if they do occur. This would reduce potential effects to groundwater associated with the project (EA, Section 4.6).

Noise: Mine ventilation is required to provide a safe underground atmosphere for the mineworkers. The mine ventilation system includes ventilation shafts, which are vertical shafts extending from the underground mine to the surface, and ventilation fans, which force air either into or out of the underground mine. The existing surface ventilation fans are relatively loud, and the public expressed concerns related to effects of noise to the public and to wildlife during scoping. Alternative C includes a design feature that requires new ventilation fans be placed underground rather than on the surface. This will reduce the noise as heard by the public in the area of the ventilation fans by approximately 50 percent, which is a significant reduction in environmental effects caused by noise as compared to Alternative A (EA, Section 4.8).

Radiological Concerns: The La Sal Mines Complex produces uranium, a naturally radioactive element, and during scoping the public expressed radiological concerns. Several design features of Alternate C will improve protection of the environment from potential effects of radiation (EA Section 4.9). For example, under Alternative B, the no action alternative, there are no requirements for post-reclamation radiation dose limits at the existing Development Rock Areas (DRAs). Alternative A would stipulate a post-reclamation dose limit of 100 millirem per year (mrem/yr) for a person camping on a reclaimed DRA for 14 days. Alternative C requires a more stringent post-reclamation dose limit of only 15 mrem/yr for a person camping on a reclaimed DRA for 14 days. Alternative C includes an additional condition of approval which requires pre- and post-drilling gamma radiation surveys, and reclamation of exploration drilling sites to gamma radiation levels that are no higher than the pre-drilling background levels. These design features of Alternative C will result in better protection of the environment from the effects of radiation than either Alternative A or Alternative B.

Reclamation: The La Sal Mines Complex has been in existence since the 1970's, and reclamation is an issue for both existing and proposed disturbance. Several design features of Alternative C will improve reclamation performance and better support post-mining land uses (EA, Section 4.10). For example, an insufficient volume of stockpiled soil is a concern for reclamation at the La Sal Mines Complex, because soil stockpiling was not required during construction of some existing mine facilities. Alternative C includes a design feature that requires the Operator to construct revegetation test plots, and optimize reclamation methods with respect to soil thickness, seeding methods and other factors. Alternative C also requires the Operator to cover all affected areas with soil during reclamation, and identify a supplemental soil resource that will supplement the stockpiled soil, if necessary to support reclamation.

Wildlife: The proposed expansion of the La Sal Mines Complex could affect wildlife in numerous ways. For example, the noise associated with exploration road construction, exploration drilling

or ventilation shaft installation could cause avoidance of the area by birds (EA, Section 4.17). Alternative C will address this concern by requiring specific Conditions of Approval protecting wildlife such as seasonal and spatial wildlife buffers. These buffers restrict when and where surface disturbing activities such as exploration road construction, exploration drilling or ventilation shaft installation will occur.

Overall, Alternative C best meets the purpose and need for my decision. Alternative C requires strict and specific design features that provide for improved protection of the environment as compared to Alternatives A or B. Alternative C authorizes the Operator to exercise its right to expand the La Sal Mines Complex as set forth by the General Mining Law of 1872 as amended, and complies with the Moab Resource Management Plan.

Alternatives Considered but Not Carried Forward for Analysis

The BLM considered two alternatives, but did not carry them forward for analysis. The two alternatives are The Uranium Watch et al. Environmental Protection Alternative and the Backfill of All Development Rock in Underground Mine Voids. These two alternatives are explained below:

Environmental Protection Alternative

A consortium of environmental organizations submitted joint comments during public scoping. These organizations included Uranium Watch, Living Rivers, Canyonlands Watershed Council, Grand Canyon Trust, Center for Biological Diversity, and the Sierra Club (Uranium Watch et al.). These organizations proposed an alternative they named the “Environmental Protection Alternative”. Some components of the proposed alternative were either already included in Alternative A or incorporated into Alternative C. Other components of this proposed alternative were either already in place, such as the installation of a local meteorological weather station, already required by regulation and statute, or outside the BLM’s jurisdiction such as conducting health assessments for the people living in La Sal.

Backfill of all Development Rock in Underground Mine Voids Alternative

The BLM considered a potential alternative that would require backfill of all development rock underground within previously mined voids. This alternative was eliminated from detailed analysis for the following reasons:

- During the process of underground mining, development rock is placed within previously mined voids as practicable to reduce costs associated with haulage to surface DRAs. Therefore, the practice of backfilling development rock into mine voids is routinely conducted during the course of underground mining.
- Subsurface control of radon gas to meet MSHA requirements for miner safety requires installation of radon control bulkheads that restrict release of radon from previously mined areas into active areas of the underground mine. Ground control infrastructure such as rock

bolts and wire mesh that are required to safely enter those underground voids are not maintained after the radon control bulkheads are installed. This makes the previously mined areas inaccessible and unsafe to enter after installation of the bulkheads. Reopening of these areas at the end of the mine life would require removal of the radon control bulkheads and extensive work to rehabilitate underground workings prior to safe entry.

- When rock is mined, the volume encompassed by a given mass of rock expands significantly. For example, the mass of a cubic yard of sandstone (the rock mined at the La Sal Mines Complex) decreases to 2,550 pounds (lbs) from 4,250 lbs when the rock is mined (Caterpillar 2006). This indicates an increase in unit volume of approximately 67 percent. Because of this “fluff factor”, not all development rock produced during the mining process can be placed back into underground mine voids at the end of mining, because sufficient space is not available within the underground workings.
- Oftentimes, during mining, miners will leave the lower grade resources in place, as it is not economical to mine at that time. If uranium or vanadium prices increase, the lower grade material may become economic to mine. However, backfilling of the drifts and stopes that access this potential resource would prevent the mining of this material at a future date.

RATIONALE FOR DECISION

Alternative C best meets the purpose and need for my decision and will allow Energy Fuels to exercise its rights as set forth in the General Mining Law of 1872 as amended. I selected Alternative C because the additional Conditions of Approval provide protection of the environment over the proposed action. Alternative C also requires additional environmental protection and reclamation to previously approved activities and existing disturbance.

As documented in the attached Finding of No Significant Impact, the action analyzed in the EA was found to have no significant impacts, thus an Environmental Impact Statement is not required.

Alternative C is in conformance with the management decisions in the Moab Resource Management Plan. Approval of Energy Fuels POA with Conditions of Approval would allow Energy Fuels to mine a valuable deposit of uranium under the authority of the mining laws of the United States while ensuring operations are conducted in a manner that will prevent unnecessary or undue degradation as defined at 43 CFR 3809.5.

The BLM has determined the La Sal Mines Complex operations will not cause unnecessary or undue degradation of public lands for the following reasons:

- Adherence to the approved Mining Plan of Operations would meet the performance standard set at 43 CFR 3809.420.

- Operations are reasonably incident to prospecting, mining, or processing operations as defined at 43 CFR 3715.0-5.
- No Threatened and Endangered Species are known to occur within the proposed project area.
- Tribal Consultation was initiated on March 10, 2011, with the following eight Native American Tribes: Ute Mountain Ute Tribe, Hopi Tribe, Navajo Nation, Paiute Tribe, Southern Ute Tribe, Ute Tribe and the White Mesa Ute Tribe. Two responses were received, one from the Hopi and one from the Southern Ute Tribe. In a letter dated March 28, 2011, the Hopi stated their opposition to uranium mining and supported the No Action Alternative. The Southern Ute Tribe asked the BLM to meet with the tribal council to explain the project. BLM representatives met with the Tribal Council for the Southern Ute and Mr. Cloud, the Southern Ute Tribes NAGPRA Coordinator on April 8, 2011. The Southern Ute Tribe did not express any concerns, but did ask to receive a copy of the EA when it became available. None of the Tribes raised any other issues or concerns.

During face-to-face consultation meetings with the Ute, Southern Ute and White Mesa Ute and Hopi Tribes held during the spring of 2015, the BLM invited the Tribes to be consulting parties and invited signatories for a programmatic agreement for the La Sal Mines Complex project. All of the tribes declined, but asked for continued consultation as the project proceeds through the normal government-to-government process.

- Through consultation with the State Historic Preservation Officer (SHPO), the proposal received concurrence that the expansion of the Pandora Mine's development rock area would have no effect on historic properties. The SHPO is a signatory on a Programmatic Agreement that was developed between the USFS, the Operator, SHPO and the Utah Public Lands Coordination Office (PLPCO) to address the future identification and treatment of cultural resources as exploration drilling and ventilation shaft installation moves forward.
- Based on the environmental analysis as documented in the EA, the La Sal Mines Complex POA, with the additional Conditions of Approval, would have minor impacts on the human environment

Public Involvement

Both the BLM and the USFS conducted public scoping for the Plan of Operations modification. The BLM, in cooperation with the USFS, mailed 418 scoping letters to interested parties on December 21, 2010. The scoping letter described the proposed action and solicited comments from local, state, and Federal agencies; non-governmental organizations (NGOs), and the public. The BLM had legal notices regarding project scoping published in the *Moab Times-Independent*, the *San Juan Record* and the *Sun Advocate* newspapers. The BLM issued a press release announcing a public meeting for the project published in the *Moab Times-Independent* newspaper, on January 6, 2011. In addition, the BLM made the Plan of Operations modification available for public

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review on December 29, 2010 at public libraries in Moab, and Monticello, Utah, and at the La Sal Store in La Sal, Utah. The BLM and USFS subsequently held two public meetings, one in La Sal, Utah on January 13, 2011, and one, at the request of the public, in Moab, Utah, on January 20, 2011. Thirty-two people attended the public meeting in La Sal, and 14 people attended the public meeting in Moab. The 30-day public scoping period closed on January 31, 2011. Comment documents were received from 12 individuals, 1 Native American tribe, 7 NGOs, and 1 local government agency. The responses to the scoping comments are presented in Appendix C of the EA.

The USFS sent a separate mailer as part of its Notice of Proposed Action (NOPA) to 53 interested parties on February 17, 2011 (interested parties included persons who commented during the initial scoping period, living in close proximity to the project, or otherwise had an interest in the project). In addition, a legal NOPA was published in the newspaper of record for the Forest Service, the *Sun Advocate*, on February 22, 2011. The public comment period for the NOPA closed on March 23, 2011, 30 days after publication of the NOPA in the *Sun Advocate* newspaper. In response to the NOPA, the USFS received comment documents from 3 individuals, 1 Native American tribe, 7 NGOs, and 1 local government agency. The response to the NOPA are presented in Appendix D of the EA.

All of the comments received from both scoping periods were used to identify the issues analyzed in the EA and to develop alternatives.

The BLM posted the Plan of Operations modification on the Moab Field Office website for public view until August 2016 and released the EA for a 30-day public comment on July 7, 2012, and the comment period ended on August 21, 2012. Two hundred ninety-two comments were received from five commenters: San Juan County, EPA, UDAQ, Uranium Watch and INFORM. The BLM and USFS revised the EA in response to these comments. The BLM and USFS summarized and addressed the public comments in Appendix K attached to the EA.

In September 2013, the USFS changed its regulations that apply to formal public comment and appeals. Therefore, in November 2013, the USFS sent notifications to those who commented previously during project scoping to inform them of the change in USFS regulations. This change set forth a new pre-decisional objection process under 36 CFR 218. Under this regulation change, in November 2014, the USFS released the EA, Draft Decision Notice and FONSI for a 45-day objection period. The USFS Objection Review Officer (ORO) received one objection letter. The ORO identified additional information to incorporate into the EA. On March 20, 2015, the ORO mailed a formal response to the objector disclosing how the USFS shall respond to specific issues associated with objections filed. The response to the objection led to the USFS updating the Biological Assessment (BA), which clarified information on effects to species. The USFS added information from the BA to the wildlife sections of the EA. A Programmatic Agreement between the USFS, BLM, Energy Fuels and SHPO consistent with the requirements set forth in 36 CFR

800 subpart B was completed. In addition, the USFS response to the objection includes clarification of the radiological terms used in Chapter 3 and additional information added to the Groundwater section of Chapter 3. The information added did not change the analysis in Chapter 4.

The BLM and USFS identified issues and alternatives based on the public involvement and scoping information, and an internal scoping completed by BLM and USFS resource specialists. Sections 1.10 and 1.11 of the EA (pages 10 through 17) present additional information regarding the resource issues analyzed.

43 CFR 3809 APPEAL STATEMENT

This decision may be appealed to the Interior Board of Land Appeals (IBLA) in accordance with the regulations contained in 43 CFR part 4 and the enclosed Form 1842-1. If an appeal is taken, your Notice of Appeal must be filed in this office within 30 days from receipt of this decision.

State Director
BLM Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

At the same time, a copy of the Notice of Appeal must also be sent to:

Regional Solicitor
U.S. Department of the Interior
6201 Federal Building
1235 South State Street
Salt Lake City, Utah 84138-1180

The appellant has the burden of showing that the decision appealed from is in error. This decision will remain in effect while the IBLA's decision is pending, unless you request and obtain a stay under 43 CFR 4.21. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted under the criteria in 43 CFR 4.21.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 53 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;

2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken.



Edwin L. Roberson
State Director

23 FEB 2018

Date

Attachments:

- Attachment 1: Conditions of Approval
- Attachment 2: Form 1842-1

Attachment 1: Conditions of Approval for La Sal Mines Complex Plan of Operations Amendment

In accordance with federal regulations at 43 CFR 3809, these Conditions of Approval for the La Sal Mines Complex POA shall apply and remain in effect for the La Sal Mines Complex from the date of approval of the POA until mining and reclamation is completed and the reclamation bond is released, or if there are future revisions to the POA.

1.0 Plan of Operations Amendment Modifications

a. Vent and Production Shaft Reclamation

The Operator shall implement engineering mitigations to reduce the potential for interaction of development rock with the D aquifer for all vent and production shafts. Development rock shall not be used for backfilling of ventilation shafts within the D-aquifer. Prior to reclamation of any ventilation shafts on lands that penetrate the D-aquifer, the Operator shall provide engineering designs and specifications for Federal Agency review.

b. Pre-Construction Radon Assessment for New Ventilation Shafts

The Operator shall submit pre-construction radon modeling for BLM review prior to constructing ventilation shafts on BLM-managed lands. The pre-construction radon modeling shall be conducted in accordance with US Environmental Protection Agency (EPA) and Utah Department of Environmental Quality (UDEQ)-Division of Air Quality requirements. These assessments shall estimate expected radon discharge rates, location of potential receptors to the proposed ventilation shaft, and compliance with applicable regulations.

The pre-construction radon modeling must demonstrate that emissions from the ventilation shaft would be in compliance with the requirements of 40 CFR 61 Subpart B. If preconstruction radon modeling does not demonstrate that the ventilation shaft would be expected to comply with the regulation, design modifications must be implemented to comply with the regulation, or the ventilation shaft shall not be constructed. After construction, monitoring of radon emissions shall be conducted in accordance with 40 CFR 61, Subpart B or other EPA or UDEQ-approved methods for the life of the ventilation shafts.

c. Pre-Construction Cultural Resource Surveys

Prior to construction of exploration drill holes, ventilation shafts, and associated access roads on BLM-managed lands, the Operator shall conduct cultural resource surveys of the specific locations these facilities. The Operator shall avoid any cultural resources eligible for listing on the National Register of Historic Places. The cultural resource surveys shall be conducted in accordance with BLM direction, and the completed cultural resource surveys and plans for avoidance shall be provided for BLM review a minimum of 30 days prior to construction.

d. Pre-Construction Wildlife and Vegetation Surveys

Prior to construction of exploration drill holes, ventilation shafts, and associated access roads on BLM-managed lands, the Operator shall conduct wildlife and vegetation surveys of the specific locations for exploration drill holes, ventilation shafts, and associated access roads.

These areas shall be surveyed for the presence of threatened, endangered or sensitive wildlife or vegetation including:

- Bald eagle (*Haliaeetus leucocephalus*)
- Ferruginous hawk (*Buteo regalis*)
- Flammulated owl (*Otus flammeolus*)
- Gunnison's Prairie dog (*Cynomys gunnisoni*)
- Lewis' woodpecker (*Melanerpes lewis*)
- Northern goshawk (*Accipiter gentilis*)
- Peregrine falcon (*Falco peregrinus anatum*)
- Golden eagle (*Aquila chrysaetos*)
- Beaman's Townsendia (*Townsendia beamanii*)(BLM sensitive plant species)

e. Modification of Reclamation Approach

The reclamation plan proposed in the POA amendment shall be modified to include the following:

Within six months of approval of the POA, the Operator shall submit a revegetation test plot design for BLM review, which will evaluate reclamation practices at exploration areas and ventilation shafts located on BLM-managed lands

Within 12 months of approval of the POA, the Operator shall install reclamation test plots in accordance with the design, provide for periodic monitoring as specified by the design, and provide periodic reclamation performance data to the BLM for review and comment

The Operator shall identify potential soil borrow sources within the permitted surface disturbance of federally managed lands and on adjacent state or private lands that could be used to increase the extent of soil replacement and soil cover thickness during reclamation of the mine facilities

The Operator shall submit reclamation approaches developed and optimized based on performance of the reclamation test plots to the BLM for review and comment, and shall implement these optimized reclamation approaches during reclamation of all BLM-managed lands disturbed by the La Sal Mines Complex, including provision of additional soil to use during reclamation, if necessary.

f. Management of Noise

The Operator will take measures to reduce noise at new ventilation shafts by installing the ventilation fans underground, unless installation underground is not feasible because of health and safety concerns as identified by MSHA (Mine Safety and Health Administration). In the

event that the Operator deems the underground installation is deemed not feasible by, the Operator shall provide an explanation of the health and safety concerns produced by an independent mining engineer and an alternative mitigation strategy to manage noise.

The Operator will take measures to reduce noise including installation of sound barriers to direct noise away from receptors, extended risers on fans to dissipate noise, and baffles.

g. Modifications to Pandora Development Rock Area

Modify the 2009 POA design of the expansion of the Pandora Development Rock Area to a larger area. This will provide additional capacity to accommodate future development rock production. This will also provide additional area to create final reclamation slopes that are stable and self-sustaining. Assuming reclamation slopes of 3H:1V, this conceptual approach will provide a total development capacity of approximately 865,000 cy. This will increase the affected area boundary at the Pandora Mine from 9 acres to 20.3 acres.

2.0 Conditions of Approval Applicable to All Activities

2.1 General

- a. The Authorized Officers for decision and guidance related to the Plan of Operations and Conditions of Approval are:
 - BLM-managed lands – Moab Field Manager or designee;
 - US Forest Service Manti-La Sal N.F.-managed lands- Forest Supervisor or designee
- b. Approval of this Plan of Operations Amendment (Plan) does not constitute recognition or certification of the validity of ownership by any person named as owner herein.
- c. Approval of the Plan does not constitute now or in the future, recognition or certification of the validity of any of the mining claims to which it may relate nor the mineral character of the land on which it lies.
- d. Changes and additions to the Plan must be submitted to the Authorized Officer as appropriate based on land status. The Authorized Officer shall determine if the proposed change or addition requires approval as a revised or supplemental plan. If a revised or supplemental plan is deemed necessary, it must be approved by the applicable Authorized Officer before the changes or additions are implemented.
- e. All surface disturbing activities and operations must be supervised by a company representative knowledgeable of the terms of and conditions of approval and design features of the Plan of Operations.
- f. The Authorized Officer or their designated representative must be notified when operations are completed and informed as to when reclamation work will begin.

- g. The Operator shall obtain all other necessary federal, state, or local permits/authorizations before operations begin, and comply with all local, state and federal laws. Upon request by the BLM documentation of compliance with other laws shall be provided by the operator.
- h. Upon request by the applicable Authorized Officer the Operator shall provide BLM or USFS a copy of permits, plans, inspection reports, and monitoring reports issued or required by other local, state, and federal agencies.
- i. All required surveys (wildlife, vegetation, or cultural resources) will be performed by qualified specialists (agency or contract) as approved by the applicable Authorized Officer.

2.2 Buildings and Facilities

- a. New buildings and other facilities shall be painted with a BLM-approved paint from either the chart of Standard Environmental Colors, the chart of Supplemental Environmental Colors or other color chart designated by BLM.

2.3 Roads

- a. The Operator is responsible for immediate repairs of any and all damages to BLM roads, structures, and improvements, which result from his operations, at his own expense.
- b. Vehicle operators must maintain safe speeds commensurate with existing road traffic and weather conditions.
- c. The Operator shall consult with the San Juan County Road Department for the placement and installation of all safety and directional signs and cattle guards on county roads.
- d. Roads constructed to facilitate access to the vent shafts shall be gated and locked when not in use unless otherwise specified by BLM.

2.4 Fire

- a. All motorized equipment shall have working mufflers and spark arresters. Electrical equipment must be properly insulated. Vehicles equipped with catalytic converters will be parked in clear areas to avoid igniting potential fuels such as grass and brush.
- b. All operator vehicles used for surface operations shall be equipped with fire extinguishers and shovels.
- c. Smoking will only be allowed in vehicles and/or designated smoking areas; all cigarette butts will be placed in appropriate containers and not thrown on the ground or out windows of vehicles.
- d. Cooking, campfires, or fires of any kind will not be allowed.

2.5 Cultural and Paleontological Resources

- a. Collection of paleontological or cultural resources is prohibited.

Decision Record

Plan of Operations Amendment UTU-088241
La Sal Mines Complex, San Juan County, Utah
DOI-BLM-UT-Y010-2011-0048-EA

- b. If fossils, human remains, funerary items, sacred objects or other cultural resources are uncovered during surface-disturbing activities, the operator and/or its contractors will immediately suspend operations at the site and the discovery will be immediately reported to BLM. BLM will arrange for a determination of significance, and if necessary, recommend a recovery or avoidance plan.
- c. All vehicular traffic, personnel and equipment movement, and construction activities will be confined to the locations surveyed for cultural and paleontological resources, or to the existing roadways and/or inventoried access routes.

2.6 Wildlife Resources

- a. Project activities will be conducted in compliance with applicable requirements of the Endangered Species Act of 1973, as amended.
- b. Harassment of wildlife or livestock is prohibited.
- c. Raptor management will be guided by Best Management Practices for Raptors and Their
- d. If construction is scheduled between the dates of January 1 and September 31, breeding season raptor surveys will be required prior to construction. Field surveys will be conducted as determined by the authorized officer of BLM. Based on the result of the field survey, the authorized officer will determine if appropriate buffers and timing limitations are necessary.
- e. In order to avoid impacts to potential nesting birds within the project area, vegetation removal shall not occur during the breeding season (most migratory birds nest from May 15 to July 15) unless nest surveys are conducted within a five-day window of vegetation removal to aid in nest avoidance.
- f. During times of temporary cessation, entrances to the mine will be closed to exclude bats from entering the mine. The preferred method for exclusion of bats from an adit or shaft is to block the portal or collar with 1-inch- diameter chicken wire.
- g. No surface disturbing activities will occur from November 15 to April 15 within crucial deer and/or elk winter range to minimize stress and disturbance to deer and elk during winter months. This stipulation does not apply to maintenance and operation of existing facilities. An exception may be granted by the BLM Field Manager.

2.7 Vegetation

- a. All equipment, including on-road and off-road equipment, shall be cleaned to remove weed seed and soil (may contain weed seed) prior to commencing operations on public lands within the project area. The Operator shall monitor disturbed areas in the project area for project-related establishment and spread of noxious and exotic weeds. The Operator shall treat weed infestations as necessary and as approved by the BLM to prevent additional spread.

- b. When pruning branches to clear vegetation, branches will be pruned to within one inch of the trunk.

2.8 Reclamation

- a. The BLM shall be contacted at least 2 working days prior to the start of reclamation.
- b. Disturbed areas at the La Sal Mines Complex shall be reclaimed such that the potential dose to a member of the public, assumed to be a person camping on or near reclaimed areas for 14 days, is less than 15 mrem/yr above background.

2.9 Bonding

- a. The reclamation bond for the project may be reviewed by the BLM on a periodic basis for activities and/or surface disturbance authorized by this Plan. If the BLM Field Manager determines the existing reclamation bond is not adequate to cover the costs of reclamation because of changing or unanticipated conditions or does not meet the regulations or policy of the agency, an updated reclamation bond shall be recalculated by BLM. If additional bond is necessary, the Operator shall submit the additional bond within 90 days of notification by the BLM Field Manager.
- b. Prior to bond release, a final inspection of the project area must be made by the Operator with the applicable Authorized Officer or their designated representative as appropriate based on land status

2.10 Monitoring

- a. Within 6 months of approval of the Plan, the Operator shall provide a groundwater monitoring plan for BLM approval that will provide for monitoring of groundwater quality and quantity at the La Sal Mines Complex.
- b. Within 6 months of approval of this groundwater monitoring plan by BLM, the Operator shall install monitoring wells and/or other monitoring equipment and commence monitoring of groundwater quality and quantity.
- c. Groundwater monitoring shall continue until cessation of the groundwater monitoring program is approved by BLM or all reclamation liability for the mine site is released in accordance with BLM regulations.
- d. Within 6 months of approval of the Plan, the Operator shall provide a soils monitoring plan to BLM for approval that will provide for monitoring of effects to soils from mine vent shafts.
- e. Soils monitoring shall continue until reclamation liability for the mine site is released in accordance with BLM regulations or as otherwise approved by BLM.

3.0 Conditions of Approval Applicable to Mine Surface Facility Operations

- a. All chemicals and hydrocarbon products (including used oil) shall be contained and controlled in accordance with the Spill Prevention Control and Countermeasure Plan.

Decision Record

- b. (SPCCP) pursuant to 40 CFR Section (§) 112. An up-to-date copy of the SPCCP shall be present at mine surface facilities and provided to BLM upon request. All operator personnel and contractors shall be trained in applicable procedures specified in the SPCCP.
- c. The BLM Hazardous Material Coordinator shall be notified as soon as possible if a spill occurs during ore transport or if an incident occurs resulting in the spill of petroleum products on BLM-managed lands that exceed reportable quantities set forth in the SPCCP. The Operator shall manage the spill as set forth by the SPPPC or the Ore Transportation Emergency Response Plan as appropriate.
- d. In accordance with 30 CFR Section §47.51 the Operator shall maintain a file containing Material Safety Data Sheets (MSDS) for all chemicals, compounds, and/or substances which are utilized during the course of construction, mining, and reclamation operations. This file shall be available for reference and inspection at all times at the site.
- e. A roll-off container or other approved container for disposal of trash shall be located on site. All trash shall be placed in the container and transported to an approved landfill.
- f. Appropriate disposal or recycling of applicable materials such as batteries, scrap metal, used oils, tires, and antifreeze shall take place during mine operations temporary cessation and reclamation.
- g. Sanitation facilities shall be provided on site during mining operations.
- h. The Operator shall manage air quality in accordance with their Utah Air Approval Order (state air quality permit) and the National Emissions Standards for Hazardous Air Pollutants.
- i. The Operator shall implement dust suppression measures including tarping of truck beds on ore haul trucks prior to leaving the mine, and application of water and/or other approved dust suppressants on the mine haulage road and other areas of the mine.
- j. Development rock samples will be collected from active development rock areas (DRAs) and analyzed once per year to ensure that environmental characteristics have not changed. This data and an annual summary report shall be provided to the BLM. If DRA sampling indicates environmental characteristics of development rock have changed, the Operator shall prepare and submit a mitigation plan to BLM for approval.

4.0 Conditions of Approval Applicable to Access Road Construction, Exploration Drilling and Vent Hole Construction

- a. Prior to construction of access roads, exploration drill holes or vent holes within the phase boundaries established by the Plan, the Operator shall submit detailed location information for placement of these facilities. This information shall be supplemented by wildlife surveys, vegetation surveys, and cultural resource surveys of all proposed affected areas. The boundaries, timing and content of these surveys shall be determined by the BLM Field Manager, prior to completion of the surveys. The Operator shall avoid all sensitive areas designated by BLM based on the results of these surveys.

- b. The information described above will be evaluated by the Authorized Officer to assess compliance of the proposed activities with the Plan. Ground-disturbing activities associated with access road, exploration drill hole or vent shaft construction shall not begin until a notice to proceed is issued by the Authorized Officer. If proposed access roads, exploration drill holes or vent holes do not comply with the Plan, the Authorized Officer may require a submittal of a modification to the Plan of Operations prior to approval of the activities.
- c. Before exploration drilling starts, the Operator shall record background gamma radiation levels in the exploration area. The 95th percentile upper confidence limit of the mean of background measurements shall be the target level for reclamation of exploration drilling sites. If this target is not achieved, the BLM Field Manager may require further reclamation until it is attained.
- d. All drill cuttings that show gamma exposure values in excess of background levels shall be buried and covered with no less than 3 feet of earthen material and covered with soil to attenuate gamma exposure values to background levels. In some cases where it is impractical to dig a pit for cuttings, such as when bedrock is at the surface, the cuttings shall be removed to another approved site for disposal. No cuttings, even if not radioactive, shall be left on the surface.
- e. Rutting will be used as an indicator of wet conditions. To the extent practicable, vehicle traffic and equipment operation on exploration and ventilation hole access roads will be restricted to prevent rutting in excess of one inch on gravel roads, 2 inches on native surface roads and 4-6 inches in other work areas. The Operator shall provide maintenance equipment to repair rutting as soon as ground conditions permit.
- f. During extended periods of dry weather, the BLM Field Manager may recommend additional protective measures for exploration or ventilation access roads, including vehicle and equipment restrictions to prevent powdering of soils, to maintain firm working surfaces, to limit fugitive dust, and to maintain appropriate moisture conditions to protect soil resources.
- g. The Operator shall schedule and conduct most operations within the normal operating season. The normal operating season includes the time period that typically has suitable soil moisture and runoff conditions for most activities and operations.
- h. The Operator shall conduct all activities to prevent erosion and sedimentation. Temporary erosion control measures may be required to prevent, control, and mitigate erosion and sedimentation. Temporary and permanent erosion control work must be kept current with ongoing operations, especially when construction occurs outside of the normal operating season.

- i. The Operator shall provide a vent shaft plugging plan for BLM approval) for all shafts that intersect the D-aquifer on BLM-managed lands. This plan shall be submitted for agency approval at least 6-months prior to vent shaft reclamation.
- j. The BLM Field Manager shall be notified if a spill of a hazardous material occurs on public lands that exceeds a reportable quantity of 5 gallons. Spill containment shall be initiated immediately and contaminated material shall be moved to the nearest approved landfill or disposal facility as appropriate.
- k. All equipment and debris must be removed from BLM-managed lands upon completion of operations. All trash and garbage must be properly disposed of at an approved refuse area. Disposal or burial of any such materials in mud pits or other areas, or by burning, on BLM-managed lands is prohibited.
- l. The Operator shall place signs warning the public of construction equipment in areas where construction is occurring.
- m. The Operator shall place temporary fencing around vent holes during construction when the crew is not on site.
- n. Once constructed, ventilation shafts shall be fenced with chain link or other appropriate fencing material at a distance that would minimize or prevent vandalism of the shafts.
- o. Roads constructed to facilitate access to the vent shafts shall be gated and locked when not in use unless otherwise specified by the BLM. All roads used/constructed for vent shaft access will not become designated as part of the BLM Moab Field Office Travel Plan and shall be gated and/or signed "Administrative Use Only" or "Closed to the Public"
- p. Vent shaft surface infrastructure should be designed to blend in with natural surroundings to the extent practicable, and shall be limited to the minimum height necessary to facilitate proper functioning of the vent shaft.
- q. Removal of vegetation shall be limited to that necessary for operations and approved by the BLM Field Manager. Removal or trimming of trees shall be avoided whenever possible.
- r. No surface-disturbing activities will occur within a 0.5 mile radius of documented Golden Eagle nest sites from January 1 to August 31 or until fledgling and dispersal of young.
- s. Unless approved in advance by BLM, the Operator will avoid disturbance of snags during construction of exploration drilling and vent shaft access roads and drilling sites.
- t. If slash is generated from the removal of trees and brush in areas of ponderosa pine habitat, it should be scattered on the site, chipped or, if required by the size/amount of material and approved by appropriate agency, piled and burned. Burning of slash shall occur only if prior approval has been granted by the BLM Field Manager.

- u. The Operator shall leave all gates within the project area as they are found (i.e., open gates will be left open, closed gates will be left closed).
- v. Removal or alteration of existing range improvements is prohibited unless prior approval from the BLM Field Manager is obtained.
- w. All drill holes shall be plugged in accordance with Utah Division of Oil, Gas and Mining Rule R647-2-108.
- x. Vent shafts reclamation will include installation of low-permeability seals within backfilled shafts above and below the D aquifer. A low-permeability, inert fill material will be used to fill vent shafts within the vertical interval of the D aquifer. Development rock may be used to fill the shaft area above and below the D aquifer.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

-
- 1. NOTICE OF APPEAL**..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
-
- 2. WHERE TO FILE**..... State Director
BLM Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345
- WITH COPY TO SOLICITOR**..... Regional Solicitor
U.S. Department of the Interior
6201 Federal Building
125 South State Street
Salt Lake City, Utah 84138-1180
-
- 3. STATEMENT OF REASONS**..... Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR**..... Regional Solicitor
U.S. Department of the Interior
6201 Federal Building
125 South State Street
Salt Lake City, Utah 84138-1180
-
- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
-
- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
-
- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)