

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Natural Soda Plant Expansion DOI-BLM-CO-2015-0019-EA

Background

Natural Soda, LLC (NS) is proposing to construct an additional processing facility and associated infrastructure adjacent to their existing processing facility (Figure 1) that would increase the current plant design capacity from 250,000 tons per year (tpy) to 500,000 tpy of sodium bicarbonate. The new facilities would be designed similar to existing facilities and could increase the processing facility foot print from 27 acres to 44 acres. Solution mining operations of the well field would continue in a similar manner as in the present and average well field disturbance would increase to approximately 6 acres annually or 120 acres over the next 20 years. Interim and final reclamation would result in approximately 37 acres of un-reclaimed well pad area at year 20.

The operation has produced over 2 million tons of sodium bicarbonate and gone through several changes in name and ownership since commencement of the commercial construction and operations in 1990. The original mine plan and impacts were analyzed in the “Wolf Ridge Corporation Mine Plan for a Nahcolite Solution Mine” Environmental Impact Statement (Wolf Ridge EIS) and the Record of Decision was signed in November 1987. The Wolf Ridge EIS contains four Alternatives which analyzes the impacts from the following range of scenarios:

- Production rates of 50,000 py, 125,000 tpy, and 500,000 tpy of sodium bicarbonate.
- Water usage from 60 to 446 gallons per minute (gpm) (88 to 674 acre feet per year).
- Annual number of well construction from 2 wells to 88 wells per year on single well pads.
- Evaporation ponds from 1 (5 acres disturbance) to 5 (93 acres disturbance).
- Total life of project disturbance range from 43 acres to 960 acres.

Potentially significant impacts to air quality, groundwater quantity and quality, cultural resources, and riparian-wetland habitat along Yellow Creek were identified under the 500,000 tpy Alternative.

Finding of No Significant Impact

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action will not have any additional significant effects on the quality of the human environment, individually or cumulatively with other actions in the general area than the effects disclosed in the “Wolf Ridge Corporation Mine Plan for a Nahcolite Solution Mine” Environmental Impact Statement (1987). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context

The project is a site-specific action within an area of ongoing sodium solution mining and processing directly involving BLM administered public lands. It consists of approximately 600 acres of 8,380 acres of federal sodium leased lands held by NS.

Within this area an estimated 144 surface acres of the BLM lands over a 20 year time frame would be directly impacted. Direct surface impact would be from facility expansion, production wells, exploration/monitoring wells and the associated light use roads. The land disturbance associated with this project is an area of oil and gas development and sodium solution mining and would not change the existing character of the local landscape. There would be socioeconomic benefits related to the construction of additional facility infrastructure; an addition of 40 employees, increase in public revenue from royalties and taxes incurred from the increased sodium bicarbonate production. Maximum short-term surface disturbance over the next 20 years, including temporary light-use access roads, would be approximately 25 percent of the approximately 600 acre area and 2 percent of the leased area.

Affected interests for this project may include oil and gas development, grazing permittees, and people who use the area for recreation.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse.

Beneficial and adverse effects of the Proposed Action were described in the EA. Design features and mitigating measures to reduce potential short-term impacts to soils, distribution of invasive non-native species, sensitive plants, migratory birds, wildlife, cultural and paleontology are identified. The project would make a minor contribution to small amounts of airborne particulate matter during drilling and release CO₂e and other greenhouse gases during mining and processing. Well field subsidence, subsurface and likely surface over time, would occur which could complicate future drilling for oil and gas. There would be increased depletions in the stream flows of Yellow Creek and Piceance Creek and could be a decrease in groundwater quality. The depletions are not expected to prompt alterations in channel function or riparian vegetation in either of these drainages.

Beneficial impacts of the project would be an increase in the continuation of gainful employment at the mine site, an increase in public revenues from increased taxes and royalties payments.

None of the environmental impacts disclosed in the EA exceed what has been documented in White River ROD/RMP or the “Wolf Ridge EIS”.

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

Operations would continue to have to comply with Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA) underground inject control (UIC) permit, and Colorado Division of Reclamation, Mining and Safety (DRMS) mining permit requirements. Potential risks to public health and safety would be low and would occur over limited, brief periods.

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

Cultural resources would be protected by mitigation measures and unknown future well pad locations would have NEPA and cultural reviews when applications are submitted. Depletion from water usage in Yellow Creek and Piceance Creek are not expected to prompt alterations in channel function or riparian vegetation in either of these drainages. The following are not affected because they are not present near the project area: park lands, Areas of Critical Environmental Concern, Wilderness Areas, Wild and Scenic Rivers, and Prime or Unique Farmlands.

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

This decision to allow the expansion of an existing sodium solution mining facility, including the increase in well field development activities, and its effects are not unique. Sodium exploration, leasing, and development decisions and have been made in this area for over 40 years. There is no scientific controversy over the nature of the impacts. Reclamation and re-vegetation has been successful in the past and can continue to be successful. The potential intensity of effects on the quality of the human environment is minimal. No comments or concerns have been received regarding possible effects on the quality of the human environment during scoping.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

The project is not unique or unusual in this area. Sodium solution mining projects has been ongoing in the area for over a 40 years and the BLM has been making decisions on similar actions for many years and has experience implementing similar actions in this area.

No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

6. 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 Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. This decision is not precedent setting. The Proposed Action was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual and impacts from NS's solution mining techniques have been previously evaluated in Wolf Ridge EIS and in the "Yankee Gulch Sodium Minerals Project American Soda, L.L.P." (1999) EISs. Impacts from the Proposed Action are not predicted to exceed previously disclosed impacts and an EIS is not required. This decision does not entail any known issues or elements that would create a precedent for future mining decisions. The decision does not represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The EA did not reveal any significant cumulative effects beyond those already analyzed in the White River ROD/RMP and the Wolf Ridge EIS. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant new cumulative effects are not expected.

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

No potential impacts to districts, sites, highways, or structures have been identified within the project area.

Two archeological sites are eligible or potentially eligible for listing in the National Register of Historic Places. The two sites would be protected through avoidance during the development of the well field. No construction activities would be allowed within the cultural site boundaries and mitigation measures would require an archeological monitor for activities near the sites.

All monitor, core, production well pairs and any other future surface disturbance associated with the well field development are subject to compliance requirements under Section 106 of the NHPA, and will undergo separate standard cultural resources evaluation procedures at the time of proposal. If historic properties are located during any subsequent field inventories in this area, and the BLM determines that mine related activities will adversely impact the properties, projects will be redesigned, and/or mitigation will be identified and implemented in consultation with the SHPO.

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 (ESA) of 1973.

No occupied or suitable habitat for special status species was found during surveys for Special Status Plants completed from April 8 to April 23, 2014. The proposed plant expansion would

have no impacts to special status plant species. Areas of disturbance within the well field would have site specific NEPA review when applications are submitted.

Water depletions attributable to existing solution mining operations were addressed in the original Section 7 consultation (Biological Opinion SE/SLC: 6-5-86-F-019, August 28, 1986). The FWS determined that project depletion impacts could be satisfactorily offset with a monetary contribution to help fund conservation measures implementing the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program). Receipt of Wolf Ridge Corporation's balance of payment for implementing conservation measures and avoiding jeopardy for the endangered Colorado River fishes was verified in that Biological Opinion.

In response to NS's expansion project the BLM prepared a biological assessment (BA) in compliance with Section 7(c) of the Endangered Species Act (ESA) and submitted the BA to the FWS for supplemental consultation on March 16, 2015 and the FWS responded with a biological opinion (BO) ES/GJ-6-CO-15-F-005 on July 27, 2015. The BO concurred with the BLM's BA that the proposed project may adversely affect the four endangered fish found within the Colorado river system (Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), humpback chub (*Gila cypha*), and bonytail (*Gila elegans*)) and their designated critical habitats. The BO also concurred that the project may affect, but is not likely to adversely affect the Dudley Bluffs twinpod (*Physaria obcordata*) and Dudley Bluffs bladderpod (*Physaria congesta*).

The FWS determined the proposed expansion project depletion impacts, an additional annual average of 475 acre feet, could be satisfactorily offset with a monetary contribution to help fund conservation measures implementing the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Neither the Proposed Action nor impacts associated with it violate any laws or requirements imposed for the protection of the environment.

Signature of Authorized Official



Field Manager



Date

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DECISION RECORD

Natural Soda LLC Plant Expansion DOI-BLM-CO-2015-0019-EA

Decision

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2015-0019-EA, authorizing NS's plant expansion and associated well field development to increase the production capabilities of the current production facility to 500,000 tons per year.

Applicant Committed Design Features

1. Sodium Lease COC118327-01 and COC119986-01 Stipulations (See Appendix B of the EA)
2. "Natural Soda 2014 Mine Plan Modification 500,000 Tons per Year" Sections 6 through 8.
 - a. Section 6 relates to the Mining Process
 - b. Section 7 relates to the Processing Facilities
 - c. Section 8 relates to Reclamation
3. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire.
 - a. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information.
 - b. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response.
4. The applicant and contractors will not engage in any fire suppression activities outside the approved project area. Accidental ignitions caused by welding, cutting, grinding, etc. will be suppressed by the applicant only if employee safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire

extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use.

5. Natural ignitions caused by lightning will be managed by Federal fire personnel. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.
6. Piled vegetation retained for reclamation as part of forest management mitigations shall be located at least twenty five feet from other receptive fuels.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

7. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
8. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
9. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
10. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
11. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect

the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Mitigation Measures

Minerals

12. To minimize or prevent potential conflicts between sodium recovery and oil shale RD&D operations, an agreement between NS and the oil shale RD&D lessees should be in place prior to the approval of any ROW for the placement of off lease well pads or facilities.

Soil Resources

13. When preparing the site, all suitable topsoil should be stripped from the surface of the location and stockpiled for reclamation once the location is abandoned. When topsoil is stockpiled on slopes exceeding five percent, construct a berm or trench below the stockpile.
14. Sedimentation shall be diverted and/or run through catchment basins in order to protect surface waters.
15. All sediment control structures or disposal pits will be designed to contain a 100-year, 6-hour storm event. Storage volumes within these structures will have a design life of 25 years.

Surface and Groundwater

16. All fluid storage tanks shall have a dike constructed around the tank of sufficient capacity to adequately contain at least 110 percent of the largest tank.
17. Pits designed to contain fluids shall be constructed so that leaking or breaching problems are minimized and reclamation potential is maximized. At least 50 percent of the pit capacity shall be in cut material. When fractured rock or porous materials are encountered, pits shall be lined with bentonite or an impermeable membrane to prevent leakage.

Vegetation

18. For reclamation actions described in Section 8 (Reclamation) of NS's approved Mine Plan seed mixture tables for both interim and final reclamation; replace pubescent wheatgrass with Bluebunch wheatgrass (Whitmar), replace Russian wildrye with Needle and Thread grass (*Hesperostipa comata* spp. *comata*), and replace Palmer's penstemon with Rocky Mountain Penstemon as listed below in the tables below.

Reclamation Seed Species List¹

Species	Variety	Pounds Pure Live Seed/Acre
Grasses		
Thickspike wheatgrass	Critana	0.5
Streambank wheatgrass	Sodar	0.5
Western wheatgrass	Arriba	1.0
Bluebunch wheatgrass	Whitmar (<i>Pseudoroegneria spicata</i> spp. <i>inermis</i>)	1.0
Basin wildrye	Magnar	0.5
Needle and thread grass	(<i>Hesperostipa comata</i> spp. <i>comata</i>)	1.0
Green needlegrass	Common or Lodorm	2.0
Forbs		
Lewis flax	Appar	0.2
Cicer milkvetch	Monarch*	0.5
Alfalfa	50% Ladak*	0.75
	50% Nomad*	0.75
Scarlet globemallow	VNS or common	0.2
Rocky Mountain Penstemon	Bandera	0.2
Shrubs		
Fourwing saltbush	Rincon (dewinged)	1.5
Winterfat	VNS or common	0.5
Antelope bitterbrush	VNS or common	1.0
* preinoculated	Total	12.1

¹ See Terrestrial Wildlife Mitigation measure Number 29 below regarding the requirement to incorporate efforts to expedite establishment of big sagebrush on final reclamation sites.

Interim Reclamation Seed Species List

Species	Variety	Pounds Pure Live Seed/Acre
Grasses		
Bluebunch wheatgrass	Whitmar (<i>Pseudoroegneria spicata</i> spp. <i>inermis</i>)	4.0
Thickspike wheatgrass	Critana	2.0
Forbs		
Alfalfa	Ladak*	2.0
* preinoculated	Total	8.0

19. Successful reclamation must reflect a plant community of at least five desirable plant species where no one species may exceed 70 percent relative cover and desired foliar cover, bare ground, and shrub and/or forb density must have 80 percent similarity in relation to the identified desired plant community (DPC).

Invasive Non-Native Species

20. Application of herbicides must comply with the *Vegetation Treatments on Bureau of Land Management Lands in 17 Western States Programmatic Environments Impact Statement (EIS)*, and the WRFO Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA).
21. All seed, straw, mulch, or other vegetative material to be used on BLM and split-estate lands will comply with United States Department of Agriculture (USDA) state noxious weed seed requirements and must be certified by a qualified Federal, State, or county office as free of noxious weeds. Any seed lot with test results showing presence of State of Colorado A or B list species will be rejected in its entirety and a new tested lot will be used instead. All areas identified to be disturbed under this proposal will be monitored and treated for noxious weeds on an annual basis for the life of the project until Final Abandonment has been approved by the Authorized Officer.
22. Pesticide Use Proposals (PUPs) must be submitted to and approved by the BLM before applying herbicides on BLM lands. The PUP will include target weed species, the herbicides to be used, application rates and timeframes, estimated acres to be treated, as well as maps depicting the areas to be treated and known locations of weeds. The WRFO recommends that all PUPs be submitted no later than March 1st of the year anticipating herbicide application.
23. Pesticide Application Reports (PAR) will be provided to the BLM annually, usually in the fall at the end of annual weed treatment. The PAR will include operator name, PUP number, applicator name(s), application date, timeframe of application, location of application, type of equipment used, pesticide used including manufacturer and trade name, formulation, application rate in terms of active ingredient per acre, acres treated, primary species treated, stage of plant development, and weather conditions during treatment.

Migratory Birds

24. Scheduled development of pads and access, and well drilling/completion operations would not be authorized during the core migratory bird nesting season (from May 15 to July 15).
25. The operator shall prevent migratory bird access to facilities that store or are expected to store fluids which may pose a risk to migratory birds (e.g., toxicity, compromised insulation, drowning). Features that prevent access to such fluids must be in place and functional prior to the discharge or storage of fluids and shall remain in place and effective until such features are removed or incapable of storing fluids. Deterrence methods used by the operator are to remain consistent with the operator's current agreements with the FWS law enforcement branch or that otherwise meet BLM WRFO approval. In the absence of a valid reporting protocol, all lethal and non-lethal events that involve migratory birds will be reported to the AO immediately.

Terrestrial Wildlife

26. Surface disturbing activities involving pad, pipeline, or access preparation or construction, the drilling and completion of wells, and routine activity-intensive maintenance and production activities would not be allowed on this lease between December 1 and April 30 to reduce cumulative impacts on wintering big game. This timing restriction would be subject to exception and modification provisions developed in the 1997 White River RMP.
27. Lease developments would be subject to siting considerations that are intended to reduce long term and residual impacts on the utility and continued availability of suitable shrubland and woodland wildlife habitat in the lease tract. It is recommended that the operator consider these objectives to the extent practicable when planning lease development operations. These objectives would be used, where appropriate, by WRFO staff during project-specific on-sites and NEPA analysis to develop siting adjustment recommendations to meet those objectives. Siting considerations would apply equally to shrubland or woodland habitats and may include, but are not limited to, locating pads, access and pipeline corridors in the following manners:
 - a. on stand edges (i.e., avoiding the bisect of, or a centralized disturbance source in larger habitat patches);
 - b. more closely to existing long-term sources of disturbance or concentrated in narrow, widely-spaced corridors;
 - c. in smaller or disconnected patches rather than larger and more cohesive stands;
 - d. among more heavily pinyon-juniper encroached shrubland;
 - e. in less mature/more open canopied woodland types;
 - f. in stands with more poorly developed understories; and
 - g. in stands more strongly represented by invasive annuals or introduced grazing-tolerant grasses.
28. Special stipulations attached to this mine's lease commits the lessee to compensate for and/or offset the loss, displacement, or adverse modification of wildlife populations and/or associated habitats, on or off lease, which occur as the result of lease development and operation. This provision explicitly targeted raptors and mule deer. Consistent with

this stipulation's intent, the WRFO recommends that the lessee be responsible for the removal of conifer regeneration from 135 acres of fire-disclimax shrublands identified by WRFO wildlife staff within the boundaries of the current well field and the mine field expansion areas evaluated in this document. Authorization and implementation of this project would be subject to separate environmental analysis and conditions of approval. The lessee would be responsible for all costs associated with necessary resource surveys and clearances, and equipment operation and maintenance. The BLM would remain responsible for NEPA preparation and project delineation. Barring unforeseen circumstances, the project would be required to be finalized within 3 years of the signing of the Decision Record. Treatment areas would not necessarily preclude subsequent siting of proposed processing or well-field features or infrastructure.

29. Final reclamation practices would be required to include efforts to accelerate the reestablishment of big sagebrush on reclamation sites from collections of local sagebrush stock. The goal of reestablishment would be to develop internal seed sources at mature canopy densities of 5 to 10 percent.
30. Surface occupancy would not be allowed within 200 meters of functional nest sites of raptors. No development activities are allowed within 0.25 mile of identified raptor nest sites from April 1 through August 15 or until fledging and dispersal of young. These conditions of approval would be subject to the same NSO and TL exception and modification provisions as established in the 1997 White River RMP.

Special Status Animals Species

31. The applicant will make a one-time payment which has been calculated by multiplying the Project's average annual depletion (475 acre feet) by the depletion charge in effect at the time payment is made. For Fiscal Year 2015 (October 1, 2014 to September 30, 2015), the depletion charge is \$20.54 per acre feet for the average annual depletion which equals a total payment of \$9,756.50 for this Project. Ten percent of the total contribution (\$975.65) will be provided to the Service's designated agent, the National Fish and Wildlife Foundation (Foundation), at the time of issuance of the Federal approvals from the BLM. The balance will be due at the time the construction commences. The amount payable will be adjusted annually for inflation on October 1 of each year based on the Composite Consumer Price Index. All payments should be made to the Foundation:

National Fish and Wildlife Foundation
Attn: Donna McNamara, Finance Department
1133 15th Street, NW, Suite 1100
Washington DC 20005

The payment will be accompanied by a cover letter that identifies the project and BO number (ES/GJ-6-C0-15-F-005) that requires the payment, the amount of payment enclosed, check number, and the following notation on the check - "Upper Colorado Fish Recovery Program, NA.1104". The cover letter also shall identify the name and address of the payor, the name and address of the Federal Agency responsible for authorizing the project, and the address of the Service office issuing the BO. This information will be

used by the Foundation to notify the BLM and the Service that payment has been received.

Cultural Resources

32. One eligible site (5RB 398) and one “needs data” site (5RB 396), which has to be treated as potentially eligible will need to be protected through avoidance during the development of the well field. The general area of avoidance spans the following:

Township 1 South, Range 98 West, 6th P.M.
Section 26, Lots 13 and 14,
Section 27 Lots 16,
Section 35 Lots 3 and 4.

Any ground disturbing work within these defined areas will require the following monitoring requirements to be followed to ensure project activities will have “no effect” on eligible NRHP cultural resources. The BLM will determine if cultural monitors, or other potential mitigations, are needed when applications are submitted for individual wells.

- a) A qualified archaeologist who holds a valid Cultural Resource Use Permit from the Colorado BLM will monitor all construction activities in and near the areas of the NRHP eligible properties. The monitor archaeologist will be present during construction activities in and near the locations of the eligible NRHP cultural resource sites, to ensure construction activities do not encroach within the identified site boundaries. No construction activities will be allowed within the identified cultural site boundaries.
- b) The monitor archaeologist will have the authority to temporarily halt construction to examine cultural resources, or newly discovered archaeological objects within the project corridor. After an examination of the materials, the monitor archaeologist will either authorize the resumption of project activities or require that all work should be halted in that location until appropriate evaluations and consultations between BLM, the Colorado SHPO, and other affected parties have been conducted.
- c) Prior to construction activities, the two NRHP eligible site boundaries adjacent to any planned production well will be identified in the field with surveyors flagging by the monitor archaeologist in a manner which makes the site boundary easily visible and definable.
- d) The monitor archaeologist will attend all pre-construction and project meetings when construction activities are scheduled to be in the area of the NRHP eligible properties. The monitor archaeologist will coordinate with the project construction supervisor to identify and schedule monitoring requirements. A pre-construction field meeting with the construction supervisors and crews will include a discussion of the legal context of cultural resource property protection, the types of archaeological resources in the project corridor, the importance of avoiding adverse effects to cultural properties that could result from project

development activities, the procedures for monitoring, and the protocols that will be followed in the event of new discoveries.

- e) The monitor archaeologist will notify the WRFO BLM archaeologist when construction activities are scheduled in the areas of the NRHP eligible cultural resource properties.

Visual Resources

- 33. Where feasible and not impeding safety requirements, paint and maintain the paint on all permanent above ground structures (on-site for six months or longer) including buildings, tanks, associated production equipment, and any piping and valves. Paint color is to be Juniper Green according to the BLM Standard Environmental Chart CC-001: June 2008 or the same dark green shade that is on the existing plant facility.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Environmental Analysis and Finding of No Significant Impact

The Proposed Action was analyzed in DOI-BLM-N05-2015-0019-EA and it was found to have no significant impacts, thus an EIS is not required.

Public Involvement

External scoping was conducted from 12/8/2014 until 12/21/2014 and was initiated by a press release and posting of this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on 12/8/2014. INFORM Colorado, an interested party, was notified of the proposed project on 12/10/2014.

Scoping comments were received from: U. S. Fish and Wildlife Service (FWS); Rio Blanco County; Associated Governments of Northwest Colorado; the towns of Meeker, Rangely, and Rifle; Club 20; Colorado Northwestern Community College; Colorado Mining Association; and one individual. The FWS expressed concerns of bird mortality associated with the facility's pond/s. The remaining comments cited the positive regional economic impacts of the proposed project.

The Preliminary EA and the unsigned Finding of No Significant Impact (FONSI) were made available for a 14-day public review and comment period beginning March 16, 2015. Comments were received through March 31, 2015.

A total of 10 commenters responded during the comment period of the Preliminary EA. Commenters consisted of one individual, four organizations, two local governments, one state government, one college, and one business. Commenters and comments are identified in Appendix C of the EA.

Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by White River Field Office staff monthly. Specific mitigation will be followed. The applicant will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Rationale

Analysis of the Proposed Action has concluded that there are no additional significant effects on the quality of the human environment, individually or cumulatively with other actions in the general area than the effects disclosed in the "Wolf Ridge Corporation Mine Plan for a Nahcolite Solution Mine" Environmental Impact Statement (1987) and that it meets Colorado Standards for Public Land Health.

In-situ sodium bicarbonate solution mining operations have been in continual operations at the site since 1991. The expansion provides for continued and increased growth of gainful employment in local area along with an increase in public revenues from increased taxes and royalties payments.

Administrative Remedies

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulation (CFR), Part 4.400 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from date of publication this decision. The appellant has the burden of showing that the Decision appealed from is in error. 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 Board, the petition for stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. A copy 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 (IBLA) and to the appropriate Office of the Solicitor (see 43 CFR4.413) 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 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 of 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.

Signature of Authorized Official

Kent E. Walter
Field Manager

6/8/14/15
Date