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

CATEGORICAL EXCLUSION

Skull Creek Mine Fire Excavation Abatement Project

DOI-BLM-CO-N05-2015-0036-CX

Identifying Information

Project Title: Skull Creek Mine Fire Excavation Abatement Project

Legal Description: Sixth Principal Meridian
T. 3 N., R. 102 W.
Section 35, SWNW, NWSW
Section 36, NESE

Applicant: Colorado Division of Reclamation Mining and Safety (DRMS)

Casefile/Project Number: COC77026 (Short-term ROW for temporary use area)

Issues and Concerns

The project is located within lands with wilderness characteristics.

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (1997 White River ROD/RMP)

Date Approved: July 1997

Decision Language: "Manage fire to protect public health, safety and property as well as allowing fire to carry out important ecological functions." (page 2-55)

Proposed Action

Project Components and General Schedule

Background/Introduction: The Skull Creek Mine Fire is located entirely located on BLM lands. It is presumed to have begun in a small, undocumented underground coal mine located to

the northeast of the proposed project area. It is not known when the fire began. The fire spread from the small mine to the adjacent un-mined coal seam, and has progressed toward the south and west relative to the collapsed mine entry as a coal outcrop fire (Figures 1 and 2).

The fire is burning in the coal seam beneath an approximately twenty acre mesa-like feature located southwest of the Burning Mine Reservoir. Expressions of the fire may be observed in several locations on the mesa. The coal outcrop is burning slowly near the ground surface where the coal is exposed at the southeast margin of the mesa. In this area, the fire expresses itself as smoldering coal covered by a thin colluvial cover. Ground surface slumps and fracturing are apparent. In some locations, depending on the degree of slump, smoldering coal may be periodically exposed. At the western margin of the mesa, the top of the coal seam is overlain by approximately twenty feet of interbedded shale and sandstone. In this area, the fire expresses itself as a series of steaming and smoking vents and fractures. The Skull Creek fire appears to have ignited at least one wildfire as a result of venting.

Abatement History

The Skull Creek mine fire had been identified by the US Bureau of Mines (USBM) as part of a regional mine fire identification survey that they undertook prior to 1951. In 1951 USBM conducted work at the site in an effort to prevent the fire from migrating along the coal bed northeast of the mesa. The USBM work consisted of creating a trench through the overburden and excavation of the coal seam in order to limit the advance of the fire. The excavated coal seam and a portion of the trench were backfilled with inert earthen material to the upper elevation of the coal seam. The trench and inert fill forms the road cut immediately east of the mesa northeast of the fire location.

In 2005, DRMS (then Division of Minerals and Geology), Inactive Mine Reclamation Program, initiated a drilling and foam injection project in an effort to suppress the fire. The Bureau of Land Management (BLM) White River Field Office (WRFO) completed an Environmental Assessment (CO-110-2004-074) for the project June 1, 2004. Approximately 30 small diameter holes were drilled and cased from the ground surface into the burning coal seam. Firefighting foam was injected into some drill holes while temperature was monitored in others. This effort culminated in subsurface temperatures well below combustion temperature for approximately six months at which time heat values began to rebound to pre-injection levels. Re-ignition may have been partially due to the firefighting foam not reaching all regions of the burning coal, thus maintaining a subsurface heat source.

In 2010, a follow up to the initial foam injection project was undertaken. NEPA review of the follow up project was completed by the WRFO on November 9, 2006 (CO-110-2007-041-DNA). Additional holes were drilled into the fire, and foam was injected at a constant rate non-stop for ten days. A portable mine fan was set up in an effort to manipulate subsurface atmospheric conditions so that the foam was more likely to encounter all areas of the burning coal. This project resulted in suppressed temperatures for six to eight months, at which time subsurface temperatures again began to rebound to pre-injection levels.

Ultimately, it is thought that the abatement efforts eventually failed as the abundance of fractures in the overburden allows atmosphere to freely communicate with the subsurface, causing heating and eventual re-combustion to occur. Without first accomplishing extensive ground surface

manipulation, further subsurface fire abatement attempts will likely be ineffective. Excavation of the fire is the last best resort in attempting to eliminate remaining subsurface combustion.

Proposed Action: The Proposed Action is to excavate and quench the burning portions of the mesa in order to extinguish the subsurface fire. Excavation would occur at the burning outcrop located near the southeast portion of the mesa and at the area of the mesa underlain by fire near its southwest margin (Quenching Area in Figure 2). These areas are discontinuous and there would be two distinct excavation areas within a seven acre Work Zone (Figure 2). It is difficult to know the exact dimensions of the area to be excavated as underground fires are dynamic in nature and vary in extent over time. It is anticipated, based on previous drilling and site observations, 2.25 acres (0.75 acres in the southeast area, and 1.5 acres in the westerly area; Figure 2) within the 7 acre work zone would be excavated to an average depth of twenty five feet. The work site would be either accessed directly from Rio Blanco County Road 96 on the east side of the project or a two track on the western portion of the project.

The burning coal at both excavation locations is currently exposed at the ground surface or sub-crops near the intersection of the mesa side with adjacent ground elevation. It is estimated that the total depth of excavation will average 25 feet, with possible variations in depth resulting from surface undulations, and the actual depth and thickness of burning coal.

Fire abatement construction would be sequenced so that temporary sediment controls would be installed, vegetation removed, topsoil salvaged and excavation commencement. Excavation would consist of overburden removal and stockpiling, coal excavation and quenching. Following completion of coal quenching, the excavation would be backfilled to approximate the original topography, topsoil applied, and the area re-vegetated.

As construction proceeds, overburden would be excavated and segregated from burning coal. The overburden would be placed immediately south of the excavation, and form a barrier between the excavation and unaffected adjacent areas. The overburden stockpile would advance as excavation continues toward the north.

Burning coal would initially be cooled during excavation to minimize dust generation and to reduce the potential for ash ejection from the excavation. Additional cooling would occur in a shallow pond which will be located adjacent to the excavation and immediately north of the overburden stockpile. As burning coal is excavated, it will be immediately placed in the shallow pond to cool. Once quenched, the cooled coal would be placed in the overburden stockpile. This mixing helps dilute the potentially self-combustible coal material, eliminating the potential of future spontaneous combustion. The stockpile will act as a barrier which will not allow the pond to discharge from the site. The cooling pond would advance as excavation proceeds north. Allowing for pond advance minimizes the need to transport burning coal, reduces the risks of equipment fires, and wildfire potential.

Total volume of coal that is or may potentially be burning to be excavated is estimated at 12,900 cubic yards.

Previous project work, utilizing excavation and quench methods to cool burning coal, indicates that approximately ten gallons of water are needed per cubic yard of burning materials. This

extrapolates to approximately 129,000 gallons of water (0.4 acre-feet) for the proposed coal quenching operations.

Blue Mountain Energy, the owner of the Deserado Mine, has previously allowed the DRMS to withdraw and use surface water to which they have an adjudicated water right and it is anticipated that the company would allow use for the Proposed Action.

Project work would take 120 days to complete the excavation, quenching, re-contouring and reseeding. In order to complete the work prior to the onset of winter, DRMS would like to initiate construction in mid-July, 2015.

Reclamation
The intent of reclamation is to create a landform similar in nature and topography to the existing mesa, which would support a natural, self-sustaining vegetative community. Excavated materials would be backfilled against the final cut slope to an elevation consistent with adjacent, undisturbed topography.

Upon completion of backfilling and grading, the salvaged topsoil would be placed over the reconfigured landform to a uniform depth, mulched, severely scarified to promote microclimates to aid in re-vegetation success and reduce erosion potential, reseeded, and fertilized.

Monitoring
DRMS would monitor the site for signs of combustion, erosional problems, and weeds.

Design Features

Sediment Controls

1. Sediment controls will generally consist of a series of berms and manufactured silt-fence-like materials would be employed at all areas downslope of the work area. Sediment controls would be built so that any surface water runoff which is not captured in the construction area will be routed through either a series of berms or silt fence prior to discharging from the site. Larger vegetation would be removed from the footprint of the construction area and stockpiled for use during reclamation. Topsoil would be salvaged and removed from the footprint of all potentially disturbed areas to an adjacent location for use during reclamation.

Reclamation

2. The reconstructed ground surface would undulate to promote a diverse landform, and would be graded so that there is a slight slope to the south. The final mesa side slope will be no steeper than 2.5:1 (horizontal to vertical).
3. Salvaged topsoil would be placed over the reconfigured landform to a uniform depth. Certified weed free straw mulch would be applied to the ground surface, and the entire area would then be severely scarified. Following surface scarification, the area would be fertilized using an organic, slow release fertilizer, seeded with the BLM specified seed mixture and mulched using certified weed free straw or equivalent.

Monitoring

4. DRMS will monitor the site for a five year period to help ascertain the success of the project. Signs of combustion will be the focus of the monitoring effort, however, in the

unlikely event that erosion becomes a problem, steps will be taken to repair any surface damage, and to prevent a recurrence. Weed production will be monitored as well, and steps will be taken to eradicate weeds as needed.

Fire Management

5. 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 would inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information.

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

1. 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.
2. 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 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.
3. 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.
4. 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.
5. 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.

Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E-19: "*Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.*".

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		x
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		x
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		x
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		x
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		x
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		x
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		x
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		x
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		x
j) Have a disproportionately high and adverse effect on low income or minority populations.		x
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		x
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		x

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 2/3/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists

resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	3/10/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	2/10/2015
Matthew Dupire	Ecologist	Special Status Plant Species	2/19/2015
Aaron Grimes	Outdoor Recreation Planner	Lands with wilderness characteristics	2/11/2015
Paul Daggett	Mining Engineer	Project Lead	5/12/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	5/13/2015

Cultural Resources: Five acres of Class III cultural resources inventory was previously carried out for the coal seam fire suppression in 2010 (Twitty 2010). The results of the 2010 cultural survey found no cultural resources. For the current Proposed Action, an additional 6 acres of cultural resources inventory at the Class III intensity was carried out by the WRFO archaeologist on May 1, 2015 to account for disturbances from the work zones associated with the Proposed Action because these areas were not surveyed in 2010. No cultural remains were discovered because of this survey. As a result, the Proposed Action will not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: There are no threatened or endangered wildlife species that are known to inhabit or derive important use from the project area. Cumulative water depletions from the Colorado River Basin were determined to likely to jeopardize the continued existence of the Colorado pikeminnow, as well as downstream populations of humpback chub, bonytail, and razorback sucker and result in the destruction or adverse modification of their critical habitat. Water used for the project is integral with depletions that have been analyzed in the Section 7 consultation for the Blue Mountain Energy Coal Lease Application COC74813 (June 2012). Currently, the mine's yearly water use practices (2009-2010) have amounted to about 360 acre-feet annual depletion. Blue Mountain Energy's current contribution to the Recovery Program extends to an average rate of 512 acre-feet per year (Biological Opinion ES-6-RO-95-F-001-GJ286; 12/01/1999). The Proposed Action would use approximately 0.4 acre-feet of water and would fall well within the 512 acre-feet annual depletion rate.

Should Blue Mountain Energy not allow DRMS to withdraw and use their surface water, the Proposed Action would then fall under BLM Colorado's Programmatic Biological Assessment (PBA) for water depleting activities (excluding fluid minerals development) on BLM lands in the Colorado River basin in Colorado (BLM 2008). The FWS determined that projects that fit under the umbrella of the PBO would avoid the likelihood of jeopardy and/or adverse modification of critical habitat for depletion impacts to the Upper Colorado River Basin if they deplete relatively

small amounts of water (less than 100 AF) and BLM makes a one-time contribution to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program) in the amount equal to the average annual acre-feet depleted by each project. The PBO instructed BLM to make an annual payment to the National Fish and Wildlife Foundation (NFWF) to cover all BLM authorized actions that result in water depletions. The Skull Creek Mine Fire Excavation Abatement Project will deplete 0.4 acre-feet. The depletion fee for this project would be $8.21 ($20.52 x 0.4 AF). This project will be entered into the White River Field Office water depletion log which will be submitted to the Colorado State Office at the end of the Fiscal Year should the PBA is used.

The Proposed Action will likely have minimal impacts to local big game and nongame species. The project area is confined (less than three acres), and for the most part is heavily degraded and supports little vegetation that would provide forage or cover resources for local wildlife species.

Work is scheduled to begin outside the raptor and migratory bird nesting period so there would be little influence on reproductive activities. Noise associated with vehicles and equipment, as well as human intrusion would be expected to displace wildlife, however these impacts would be relatively temporary (up to 120 days) and localized.

Threatened and Endangered Plant Species: There is no occupied or suitable Threatened and Endangered plant habitat in the project area.

Lands with wilderness characteristics: The project is located within the boundaries of lands with wilderness characteristics unit 20 (Upper Coal Oil Rim-13,675 acres). The area where excavation work takes place for this project will not meet the naturalness characteristic required to be identified as having wilderness characteristics (Figure 3). Naturalness is defined in BLM Manual 6310-Conducting Wilderness Characteristics Inventory as "Affected primarily by the Forces of Nature." This manual also states that "the area must appear to have been affected primarily by the forces of nature, and any work of human beings must be substantially unnoticeable." It is likely that the area excavated during the implementation and immediate reclamation activities of this project will be noticeable and this area will not meet the naturalness characteristics needed to be identified as having wilderness characteristics. Because this project intersects with unit 20's boundary on the east and west side, this project will result in the removal of approximately 30 acres from unit 20 by not meeting the naturalness characteristic in the project area and the area north of the project which forms a triangle shape and is bounded by roads (Figure 3). However, the rest of the 13,645 acres of unit 20 would still be identified as having wilderness characteristics. Over time the project area should naturally reclaim and blend with the surrounding landscape. Future inventories in this area may conclude that this area does not appear modified by human activity and this area may once again be identified as having wilderness characteristics.

Mitigation

1. For reclamation of disturbed areas BLM recommends the following seed mix:

Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
Rosana	Western wheatgrass	*Pascopyrum smithii*	4
Whitmar	Bluebunch wheatgrass	*Pseudoroegneria spicata*	3
Rimrock	Indian ricegrass	*Achnatherum hymenoides*	3
	Needle and Thread	*Hesperostipa comata*	2
Hycrest	Crested wheatgrass	*Agropyron cristatum*	1
	Scarlet Globemallow	*Sphaeralcea coccinea*	0.5
		Total	13.5

2. 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).
3. 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.
4. All areas identified to be disturbed under this proposal will be monitored and treated for noxious weeds on an annual basis until final reclamation has been approved by the Authorized Officer.
5. 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.
6. 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.
7. The BLM Mining Engineer, Paul Daggett will be notified via email or phone (pdaggett@blm.gov, 970-878-3819) 24 hours prior to commencement of activities.

Tribes, Individuals, Organizations, or Agencies Consulted

The following tribes and tribal organizations were consulted during development of this CX: Ute Indian Tribe (Uintah and Ouray Reservations); Southern Ute Indian Tribe; Ute Mountain Ute Tribe; and the Eastern Shoshone Tribe.

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E-19. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

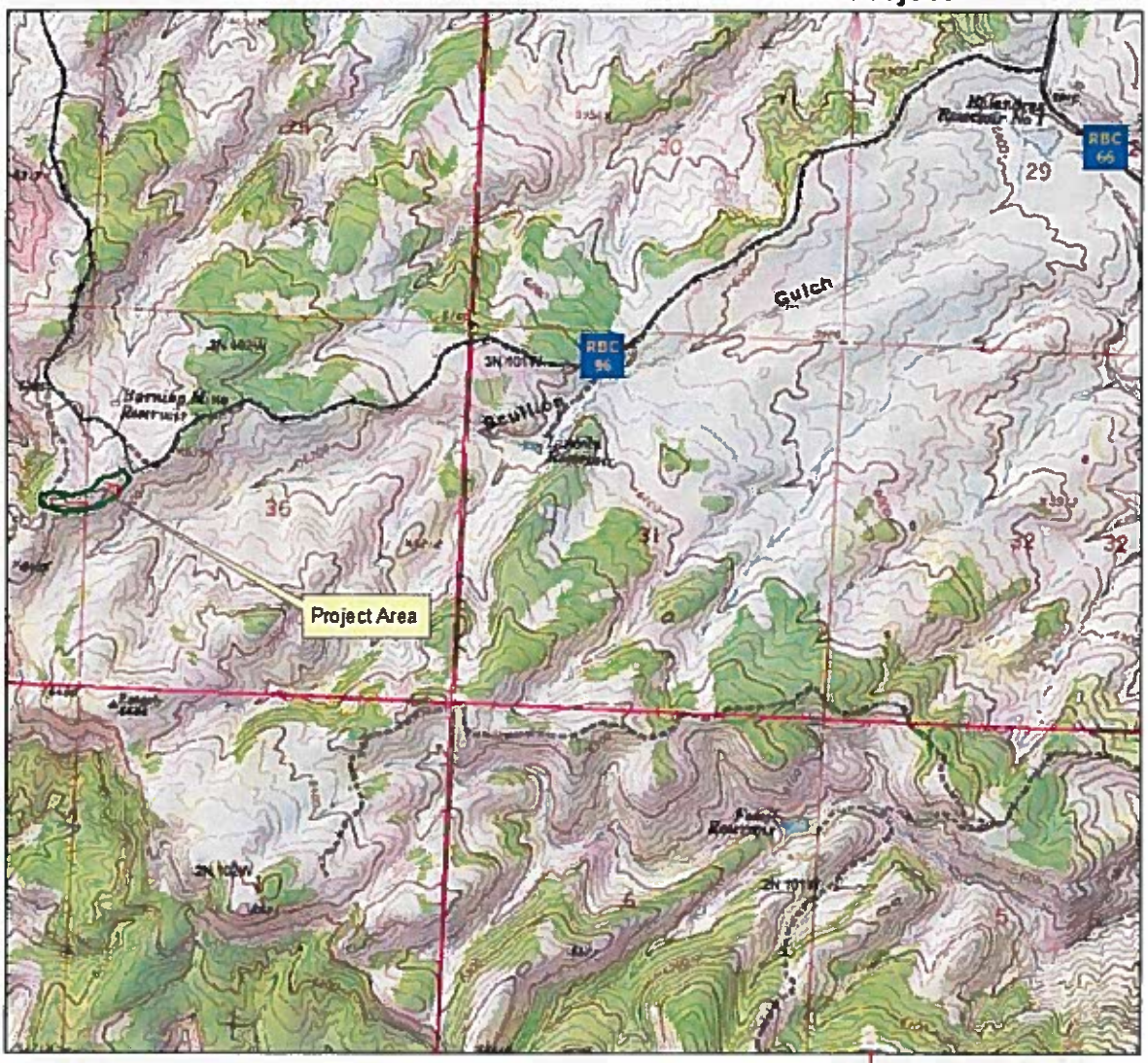
Field Manager

05/15/2015
Date

Appendix A. Figures

Figure 1: General Location Map

DOI-BLM-CO-N05-2015-0036-CX
Skull Creek Mine Fire Excavation Abatement Project



T. 3 N., R. 102 W., 6th P.M.
Sections 35 and 36

4/2/2015

N

0 0.5 1
Miles

Coal Seam Area
Coal Seam Fire Work Zone
Coal Seam Fire Quenching Area

Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.

Figure 2: Aerial Map

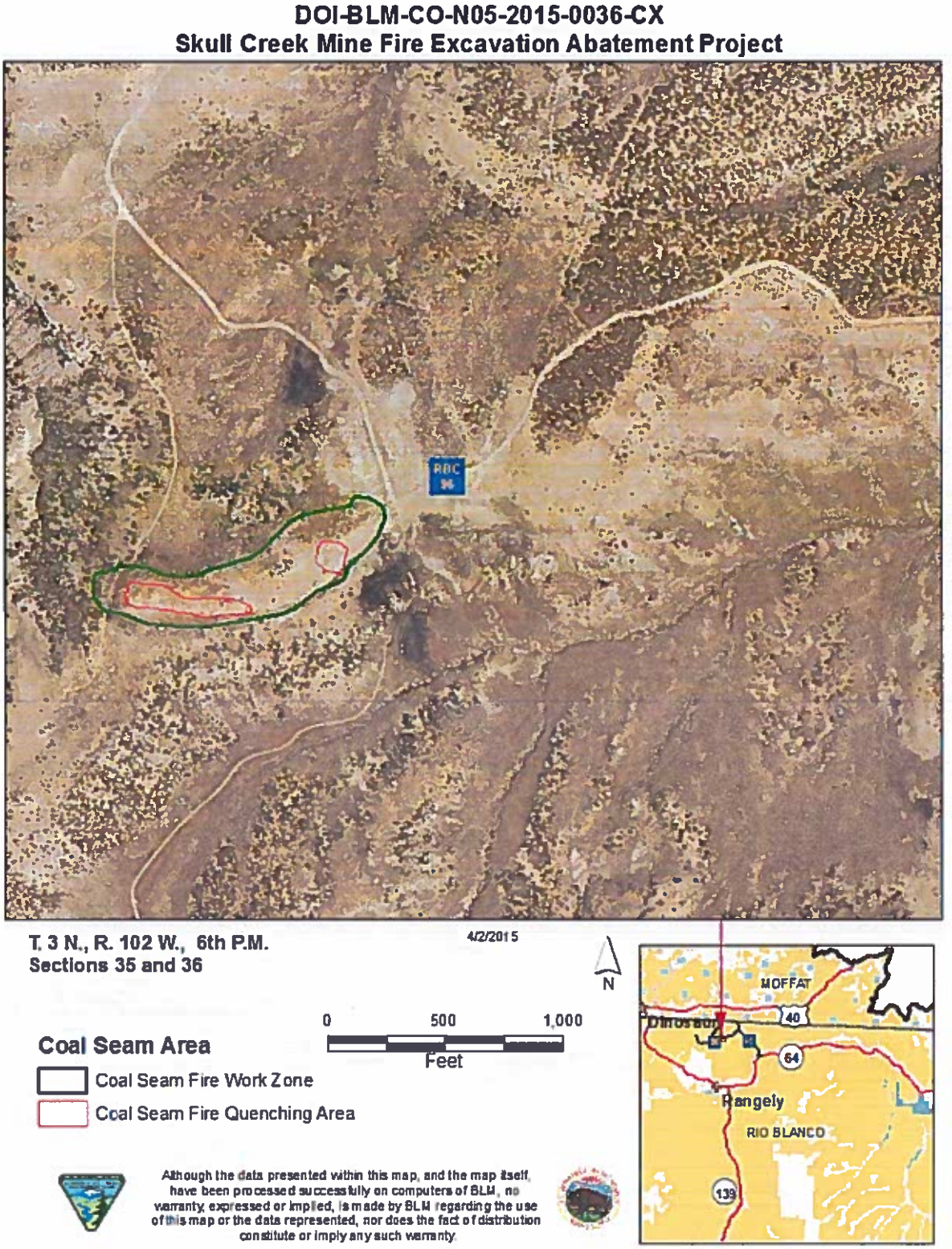
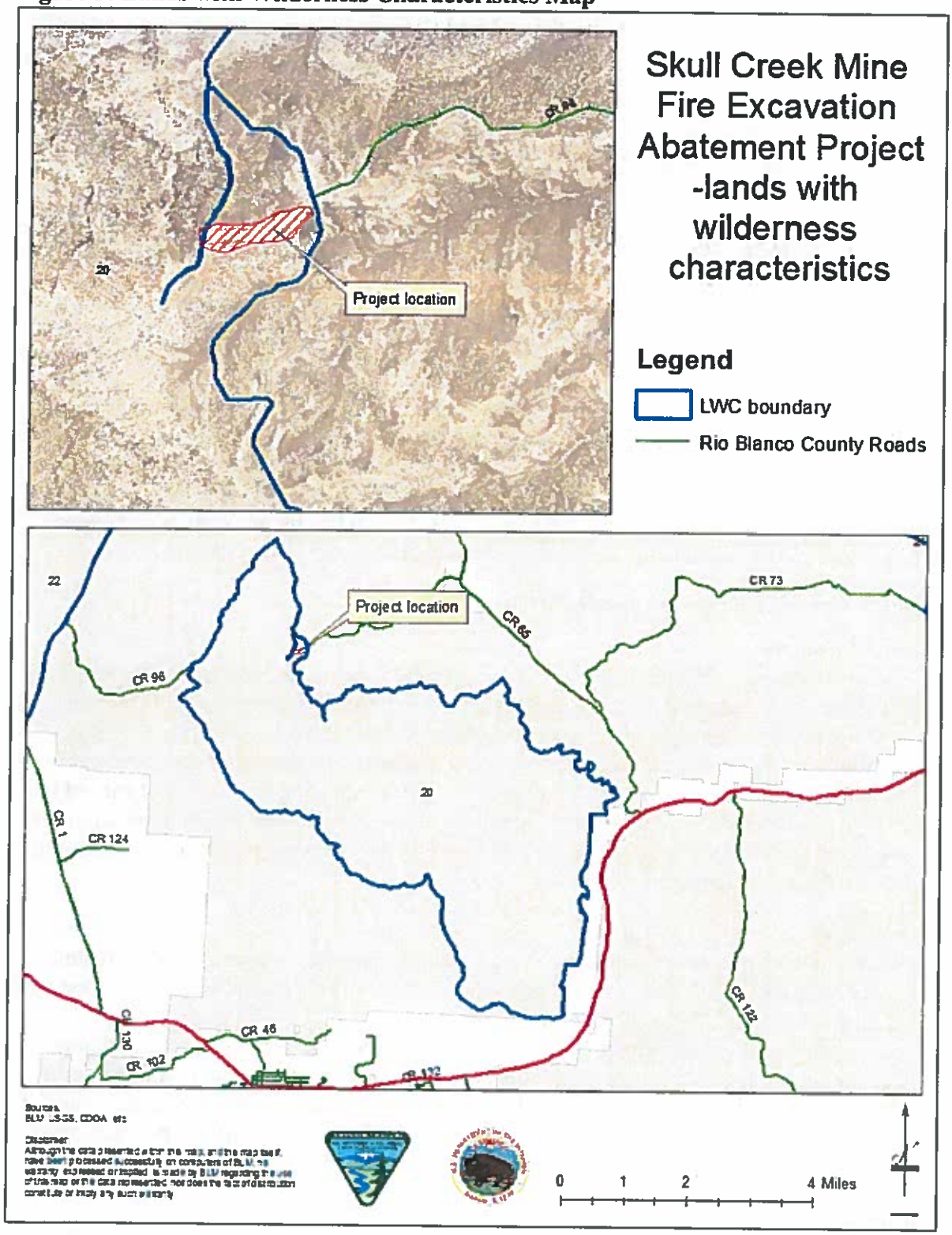


Figure 3: Lands with Wilderness Characteristics Map



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

DECISION RECORD

Skull Creek Mine Fire Excavation Abatement Project
DOI-BLM-CO-N05-2015-0036-CX

Decision

It is my decision to issue a temporary use permit to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0036-CX, authorizing the direct disturbance of an estimated 2.25 acres within a 7 acre work zone to eliminate/reduce a coal seam fire by excavating and quench the burning coal, and the reclamation, maintenance, and monitoring of the disturbed area.

Applicant Committed Design Features

Sediment Controls

1. Sediment controls will generally consist of a series of berms and manufactured silt-fence-like materials would be employed at all areas downslope of the work area. Sediment controls would be built so that any surface water runoff which is not captured in the construction area will be routed through either a series of berms or silt fence prior to discharging from the site. Larger vegetation would be removed from the footprint of the construction area and stockpiled for use during reclamation. Topsoil would be salvaged and removed from the footprint of all potentially disturbed areas to an adjacent location for use during reclamation.

Reclamation

2. The reconstructed ground surface would undulate to promote a diverse landform, and would be graded so that there is a slight slope to the south. The final mesa side slope will be no steeper than 2.5:1 (horizontal to vertical).
3. Salvaged topsoil would be placed over the reconfigured landform to a uniform depth. Certified weed free straw mulch would be applied to the ground surface, and the entire area would then be severely scarified. Following surface scarification, the area would be fertilized using an organic, slow release fertilizer, seeded with the BLM specified seed mixture and mulched using certified weed free straw or equivalent.

Monitoring

4. DRMS will monitor the site for a five year period to help ascertain the success of the project. Signs of combustion will be the focus of the monitoring effort, however, in the unlikely event that erosion becomes a problem, steps will be taken to repair any surface

damage, and to prevent a recurrence. Weed production will be monitored as well, and steps will be taken to eradicate weeds as needed.

Fire Management

5. 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 would inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information.

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

6. 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.
7. 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 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.
8. 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.
9. 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.
10. 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

11. For reclamation of disturbed areas BLM recommends the following seed mix:

Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
Rosana	Western wheatgrass	*Pascopyrum smithii*	4
Whitmar	Bluebunch wheatgrass	*Pseudoroegneria spicata*	3
Rimrock	Indian ricegrass	*Achnatherum hymenoides*	3
	Needle and Thread	*Hesperostipa comata*	2
Hycrest	Crested wheatgrass	*Agropyron cristatum*	1
	Scarlet Globemallow	*Sphaeralcea coccinea*	0.5
		Total	13.5

12. 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).
13. 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.
14. All areas identified to be disturbed under this proposal will be monitored and treated for noxious weeds on an annual basis until final reclamation has been approved by the Authorized Officer.
15. 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.
16. 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.

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.

Public Involvement

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on 2/5/2015. No comments or inquiries have been received.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E-19. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

The Proposed Action would reduce/eliminate the potential for wildfire starts and emissions of greenhouse gases caused by the burning coal seam.

Monitoring and Compliance

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

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

Field Manager

05/15/2015
Date