

**Bureau of Land Management  
Winnemucca District Office**

**Field Office(s) :**  HRFO  BRFO

**Categorical Exclusion  
Team Review**

<b>Applicant:</b> Oreana Energy LLC
<b>Proposal:</b> Zeolite Sampling LUP
<b>CX#:</b> DOI-BLM-NV-W010-2015-0023-CX

**Prepared By:** Debbie Dunham

**Date:** April 9, 2015

<b>Name /Title</b>	<b>Resource/Agency Represented</b>	<b>Signature/Date</b>	<b>Comments (Attach if more room is needed)</b>
Tanner Whetstone	Cultural Resources	04/13/15 \\s\ Tanner Whetstone	
Elise Brown	T&E (plants and animals)	04/16/16 \\s\ Aron King for Elise Brown	Assistance from Greg Lynch

**43 CFR 46.215**  
**Categorical Exclusions: Extraordinary Circumstances**

**CX#: DOI-BLM-NV-W010-2015-0023-CX**

- | <u>Yes</u> | <u>No</u> |  |
|------------|-----------|--|
| [ ]        | [X]       | (a) Have significant impacts on public health or 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 (Executive Order 11990); floodplains (Executive Order 11988); 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 [NEPA Section 102(2)(E)].   |
| [ ]        | [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, on 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 significant impacts 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 (Executive Order 12898).   |
| [ ]        | [X]       | (k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).  |
| [ ]        | [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 (Federal Noxious Weed Control Act and Executive Order 13112).  |

*All of the above questions must be answered negatively before the Categorical Exclusion may be approved. This checklist is taken from 43 CFR 46.215*

Prepared By: \s\Debbie Dunham  
Effective 11/15/08  
Replaces 6/21/05 #3612

Date: April 9, 2015

**Bureau of Land Management  
Winnemucca District Office  
HRFO (W010)**

**Categorical Exclusion**

**CX#: DOI-BLM-NV-W010-2015-0023-CX**

**Date: 2/17/2015**

Lease / Case File / Serial #: N-93819

Regulatory Authority (CFR or Law): 43 CFR 2920

BLM Manual: 43 CFR 2920

Subject Function Code: 43 CFR 2920

Is the project located within a Preliminary Priority Habitat?  Yes  No

Is the project located within a Preliminary General Priority Habitat?  Yes  No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)?  Yes  No

---

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Debbie Dunham

3. Project Title: Oreana Energy Zeolite Sampling N-93819

4. Applicant: Oreana Energy LLC

5. Project Description: (briefly describe who, what, when, where, why, how)

This project is located on split estate - BLM surface/private minerals. Nevada Specialty Minerals (NSM) LLC obtained a Land Use Permit (LUP) N-91841, on June 18, 2013, for collecting a bulk sample of approximately 10-15 tons of zeolite for continued testing of cement formulations used in high temperature-high pressure geothermal production wells. This LUP expired June 1, 2014.

Last November NSM LLC assigned all interest to Oreana Energy LLC, who now own the private mineral estate. Oreana Energy LLC would like to collect one bulk sample, 100' X 100', of approximately 10-15 tons of zeolite in the exact location as NSM LLC's LUP N-91841, for the outcropping mineralization. When NSM took the original sample in 2013, they used all of the material for testing at the University of Alaska and another cement co.

Since Oreana Energy LLC has entered into an agreement with Nevada Cement in Fernley for further testing, they need to test another bulk sample of the zeolite in a custom mix of well cement for further use in a new geothermal well in Churchill County. The site where NSM took

**CX#: DOI-BLM-NV-W010-2015-0023-CX**  
**Applicant: Oreana Energy LLC**  
**Project Title: Oreana Energy Zeolite Sampling N-93819**

the original sample is the best area, as the zeolite outcrops there and it is less work to reclaim it. If Nevada Cement can create a useable product, they have a much more advantageous position as the transportation costs are less than shipping the zeolite to California for processing.

This additional Ferrierite sample is required for the Department of Energy contract De-EE0002785 to allow intergrind testing of cement clinker and ferrierite at the Nevada Cement plant in Fernley. The intergrind method reduces cement plant carbon emissions by 35 to 40 percent by replacement of clinker with the zeolite.

IBLA decision 2009-26 (May 21, 2009) and IM-NV-2010-006 requires private mineral owners to obtain a 2920 Land Use Permit "Where privately owned mineral estate underlies acquired Federally-owned surface and the private mineral owner has a reserved right to use so much of the surface as is necessary and convenient for the extraction of the minerals."

Access to the property is from downtown Lovelock going north on State Highway 398, 1.5 miles to the intersection of State Highway 399. Turn left and go approximately 10 miles west to Section 29 and follow the 2 track road southwesterly about 3,000 feet to the sample site.

Removal of the bulk sample would require the use of a rubber tired backhoe or a small tracked excavator, either of which would have a hydraulic hammer drill to break up the rock. The material would then be collected and either stored on site or loaded into "super sacks" and removed to an off-site location." Either machine used to collect the sample would be off-loaded on the highway and driven (or walked) to the site along the two track road to the site.

Minimal surface disturbance is anticipated and reclamation would be completed as required by BLM in the permit stipulations. They would reclaim the disturbed area.

They would anticipate starting shortly after the permit is approved. They would need a few days to mob and once the equipment is on-site, it will take 2-3 days to collect and re-claim. No water is required for this proposal.

Their estimated start date is the beginning of March 2015.

Additional Information:

Project dimensions (length, width, height, depth): 100 X 100

Total Acres: 0.23

BLM Acres: 0.23

Will the project result in new surface disturbance?  Yes  No

Has the project area been previously disturbed?  Yes  No  N/A

If yes, what percent of the project area has been disturbed? 100% . If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

Revised 10/9/2014

6. Legal Description: T. 28 N., R. 30 E., sec. 29, NESENW. \_\_\_\_

USGS 24k Quad name: Trinity Pass, NV

100k map name: Lovelock, NV

Land Status:  BLM  Private  Other\_\_\_\_\_.

**Part I: Plan Conformance Review**

The Proposed Action is subject to the:

Paradise-Denio Management Framework Plan

Sonoma-Gerlach Management Framework Plan

Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Objective L-1: Provide maximum acreage of public land for multiple use and sustained yield.

**Part II: NEPA Review**

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)

516 DM 11.9, (BLM) F. 9. Digging of exploratory trenches for mineral materials, except in riparian areas.

**CX#: DOI-BLM-NV-W010-2015-0023-CX**  
**Applicant: Oreana Energy LLC**  
**Project Title: Oreana Energy Zeolite Sampling N-93819**

**ESA and BLM Sensitive Status Species**

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Table 1. Special Status Species that may occur in the project area:**

ESA	BLM	Common ( <i>Scientific</i> ) Name	May Be Affected?	Mitigation for BLM Sensitive Species (The following stipulation(s) is/are recommended to be applied to the authorization) (Attach ESA Section 7 Compliance to Form, if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Greater sage-grouse ( <i>Centrocercus urophasianus</i> )	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Candidate species that would not be expected to be affected since there is no PPH or PGH in or near the proposed area, and the nearest lek is more than 5 miles away from the proposed area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Migratory Birds – see Table 2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Table 2.
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Table 2. Migratory Bird Treaty Act Consideration**

Potential MBTA Species w/in the Project Area Common ( <i>Scientific</i> ) Name	May Be Affected?	Recommended Mitigation (The following stipulation(s) is/are recommended to be applied to the authorization)
<p>(This list is representative of species found near this site. It may not be comprehensive.)</p> <p>northern harrier (<i>Circus cyaneus</i>), California quail (<i>Callipepla californica</i>), mourning dove (<i>Zenaida macroura</i>), horned lark (<i>Eremophila alpestris</i>), common raven (<i>Corvus corax</i>), black-throated sparrow (<i>Amphispiza</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>In order to avoid potential impacts to breeding migratory birds, a careful visual inspection of habitat in the project area should be made prior to any surface disturbance (including cross-country routes, turn-around areas and parking areas) during the avian breeding season (March 1<sup>st</sup> through August 31<sup>st</sup>). Nesting activities may include eggs or young present in nest, adult behavioral displays (e.g. dive-bombing, faking injury, won't leave the area, agitated calling, etc.). If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established</p>

**CX#: DOI-BLM-NV-W010-2015-0023-CX**  
**Applicant: Oreana Energy LLC**  
**Project Title: Oreana Energy Zeolite Sampling N-93819**

bilineata), sage sparrow ( <i>Amphispiza belli</i> ), western meadowlark ( <i>Sturnella neglecta</i> ), golden eagle ( <i>Aquila chrysaetos</i> ), loggerhead shrike ( <i>Lanius ludovicianus</i> ), sage thrasher ( <i>Oreoscoptes montanus</i> )		
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

*Mitigation Measures/Remarks: "See Attached Special Conditions"*

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

**Part III: DECISION:**

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)

Based on regulatory authority or law that allows BLM to take action, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official \s\ James W. Schroeder  
 (Signature)

Date: 4-16-2015

**CX#: DOI-BLM-NV-W010-2015-0023-CX**  
**Applicant: Oreana Energy LLC**  
**Project Title: Oreana Energy Zeolite Sampling N-93819**

**Administrative Review or Appeal Opportunities**

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to James W. Schroeder, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

## EXHIBIT A

Oreana Energy LLC Land Use Permit N-93819

April 16, 2015

### SPECIAL CONDITIONS (Continued from Form 2920)

1. The permittee shall conduct all activities associated with the operation, use, and termination of the land use permit (LUP) within the authorized limits of the LUP and shall maintain it in a safe, usable condition, as directed by the Authorized Officer. This Land Use Permit is for Zeolite bulk sampling, 10-15 tons, 100 feet long, 100 feet wide, and contains 0.23 acres.
2. No grading, blading, widening, deepening of new or existing roads and trails or cross-country vehicle travel shall occur until plans for such actions have been submitted and approved in writing by the Authorized Officer.
3. The permittee is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts.
4. Pursuant to 43 CFR 10.4(g), the permittee of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4(c) and (d), the permittee must stop activities in the immediate vicinity of the discovery and protect it from all activities until notified to proceed by the Authorized Officer.
5. Any cultural (historic or prehistoric site or object) and/or paleontological resource or Native American human remains, funerary item, sacred object, or objects of cultural patrimony, discovered by the permittee, or any person working on their behalf, during the course of activities on public land, shall be immediately reported to the Authorized Officer by telephone, with written confirmation. The permittee shall suspend all operations in the immediate area of such discovery and protect it until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant values. The permittee will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the permittee.
6. Maintenance, other motorized equipment, and all truck vehicles (including pickup trucks) using the LUP shall have a fire extinguisher, shovel, and axe or Pulaski at all times when on federal land. All operating equipment shall be equipped with appropriate exhaust spark arresters.
7. The permittee or any participant may be held accountable for suppression of a wild land

fire determined to be directly cause by those associated with the authorized activity. Reimbursement shall be required from the permittee for Federal, State and /or private costs as a result of suppression and rehabilitation incurred as a result of fires caused by related activities. An escaped fire or an observed wild land fire ignition shall be reported immediately by calling 911, notifying Central Nevada Interagency Dispatch Center (CNIDC) and/or emergency response personnel.

CNIDC: (775) 623-3444

Pershing County Sheriff's Dispatch: (775) 623-3906

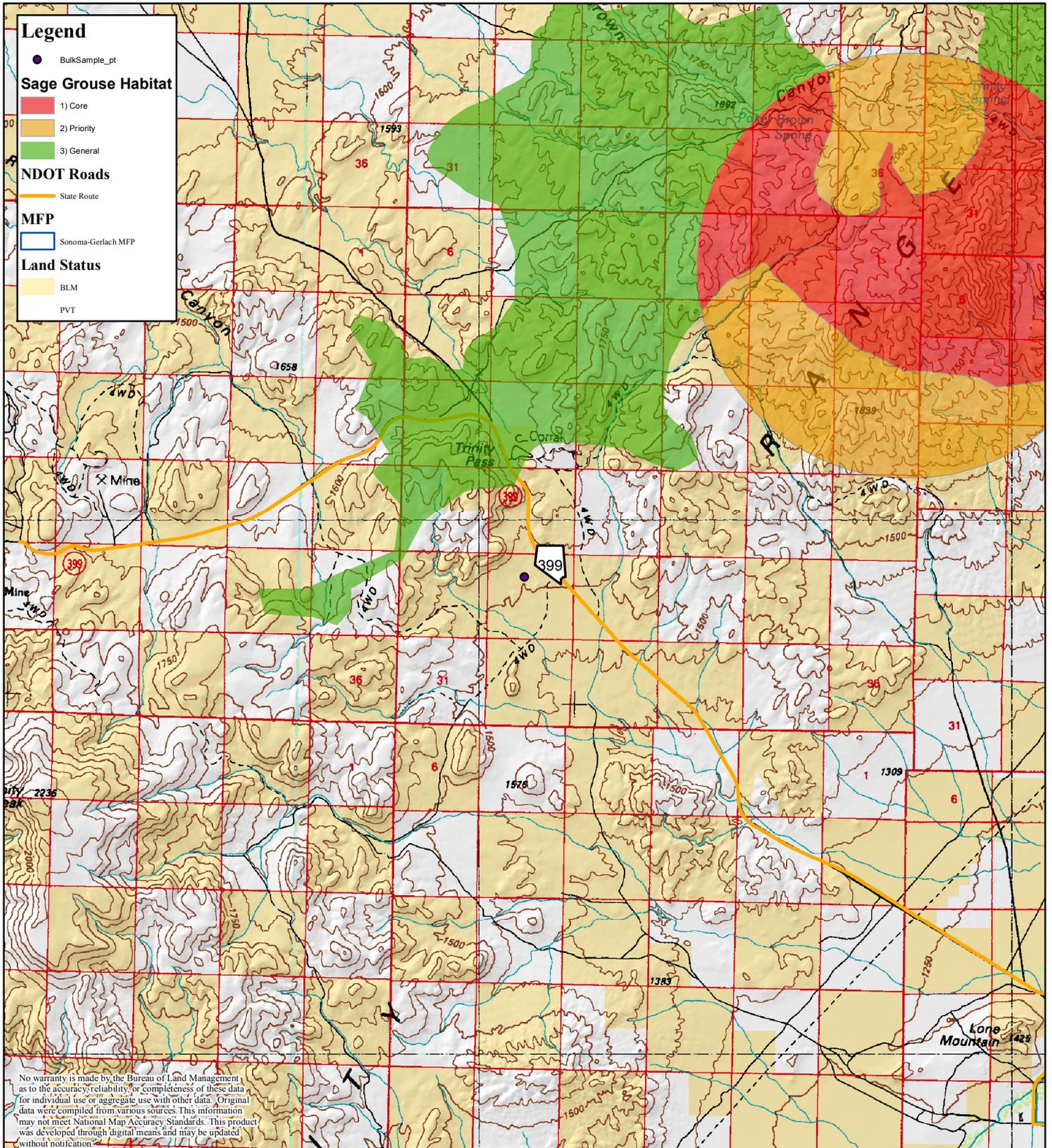
8. No future modifications, construction of improvements, expansion of originally approved structures and/or casings, construction of additional improvements, or major maintenance operations involving disturbance of the land shall occur until plans for such actions have been submitted and approved in writing by the Authorized Officer. Any proposals involving new surface disturbance outside of the authorized LUP area shall require a cultural inventory and may require completion of an environmental assessment. Failure of the permittee to comply with this requirement may result in a suspension of operations authorized by this LUP grant.
9. The permittee shall protect all survey monuments found within the LUP. Survey monuments include, but are not limited to: General Land Office (GLO) and BLM Cadastral Survey Corners, reference corners, witness points, U. S. Coastal and Geodetic bench marks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the permittee shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where GLO or BLM LUP monuments or references are obliterated during operations, the permittee shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The permittee shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other federal surveyors are used to restore the disturbed survey monument(s), the permittee shall be responsible for the survey cost.
10. The permittee shall comply with all applicable Federal, State, county, and municipal laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous material, as defined in this paragraph, that will be used, produced, transported, or stored on or within the permit or any of the permit facilities, or used in the construction, operation, maintenance, or termination of the permit or any of its facilities. "Hazardous material" means any substance, pollutant, or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous

materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas. The permittee is prohibited from discharging oil or other pollutants on federal land or into or upon waters on federal land. The permittee shall give immediate notice of any such discharge to the Authorized Officer and such other Federal and State officials as are required by law to the given such notice.

11. The permittee shall notify the Authorized Officer if there is a significant variance from the approved action with respect to the use, storage, or disposal of hazardous materials on this LUP.
12. Subleasing authority is not granted.
13. Selling the LUP is not authorized.
14. In the event that the public land underlying the LUP encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the LUP or the land underlying the LUP is not being reserved to the United States in the patent/deed and/or the LUP is not within a LUP corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the permit, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the permittee apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the permit, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the LUP shall be considered a civil matter between the patentee/grantee and the LUP permittee.
15. The LUP shall be relinquished to the United States within 180 days if it is no longer needed for the use it was authorized to serve.
16. Prior to relinquishment or abandonment of any portion of the LUP authorized by this grant and future amendment(s), the permittee shall contact the Authorized Officer to arrange a joint inspection of the LUP. This inspection will be held to agree to an acceptable rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, surface material, re-contouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the permittee's commencement of any termination activities. The permittee shall be responsible for the cost and implementation of the approved rehabilitation plan.

17. The permittee shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
18. If the permittee violates any of the terms and conditions of this grant, the Authorized Officer, after giving written notice, may declare the grant terminated. The Authorized Officer may consult with the permittee and, at the Authorized Officer's discretion, grant a period of time to cure the violation prior to declaring the grant terminated.
19. The effective date of this LUP grant is the date of execution by the Authorized Officer.
20. In order to avoid potential impacts to breeding migratory birds, a careful visual inspection of habitat in the project area should be made prior to any surface disturbance (including cross-country routes, turn-around areas and parking areas) during the avian breeding season (March 1<sup>st</sup> through August 31<sup>st</sup>). Nesting activities may include eggs or young present in nest, adult behavioral displays (e.g. dive-bombing, faking injury, won't leave the area, agitated calling, etc.). If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established.

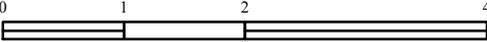
# Oreana Energy Zeolite Sampling N-93819



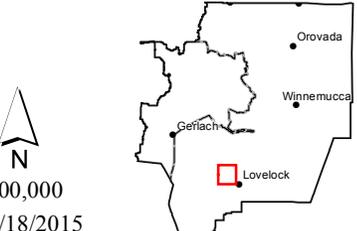


**Winnemucca District**  
Bureau of Land Management  
5100 E. Winnemucca Blvd  
Winnemucca, NV. 89445

Lovelock, NV  
USGS 100k Quadrangles  
T. 28 N., R. 30 E., sec. 29



0 1 2 4  
Miles



N  
1:100,000  
Date: 3/18/2015

