

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

## CATEGORICAL EXCLUSION

*Alternate Access to Natural Soda's 15H-17H Production Pad*  
**DOI-BLM-CO-N05-2015-0090-CX**

### Identifying Information

**Project Title:** Alternate Access to Natural Soda's 15H-17H Production Pad

**Legal Description:** Sixth Principal Meridian  
T 1S, R 98 W  
Section 34, Lot 1  
Section 35 Lot 4

**Applicant:** Natural Soda LLC (NS)

**Casefile/Project Number:** COC118237-01

### Issues and Concerns

The off lease portion of the Proposed Action's access, would require an amendment to ROW COC77086.

A portion of the proposed alternate access is located on ExxonMobil's Oil Shale Research, Demonstration, and Development (RDD) Lease COC74300 and could adversely affect the development of the RDD lease.

**Incident Response:** In the event of an undesirable event, such as a spill, immediate well shut in, or personnel injury, direct access from the plant to the pad is critical to response time and the ability of Natural Soda LLC (NS) to quickly and efficiently take actions to gain control and manage any incident that may occur. Access would require a minimum of eight minutes using the current route as opposed to two minutes under the proposed alternate route.

**Safety/Security for the public and NS personnel:** If the proposed access road were used, all traffic through this portion of the well field would have to pass through the plant entrance allowing NS to better monitor who is in the well field at a given time. This would help prevent unauthorized individuals from traveling through the well field and inadvertently or intentionally damaging wellheads, equipment, and pipelines in addition to potentially harming themselves.

### 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 RMP)

**Date Approved:** July 1997

**Decision Language:** “Facilitate the orderly and environmentally sound development of sodium resources occurring on public lands.” (Pages 2-6 and 2-7)

## **Proposed Action**

### ***Project Components and General Schedule***

**Background/Introduction:** NS operates an in-situ sodium bicarbonate (nahcolite) solution mining operation and has been in continual operations since 1991. Their operation and facilities are located at the termination of Rio Blanco County (RBC) Road 31 (Figures 1 and 2) in the Piceance Creek Basin, approximately 37 miles west and south of Meeker, Colorado. NS current mining operations involve solution mining from six available mining well pairs. A plant expansion completed in spring of 2013 was designed to increase plant capacity from 125,000 tons per year to 250,000 tons per year. Production for 2014 was approximately 183,000 tons and is anticipated to increase to the new plant capacity within the next two years. Current production requires, as a minimum, the availability of three well pairs to adequately supply a continuous feed stock to the processing facility.

Solution mining of the nahcolite occurs at a depth of greater than 1,900 feet in a 35 to 40 foot depositional horizon of nahcolite, oil shale and nahcolitic-halite identified as the Boies Bed. In the current mining area the Boies Bed assays between 80 to 85 percent nahcolite. Progressing northeast of NS’s well field towards the depositional center of the basin, the Boies Bed transitions through a facies change from nahcolite to halite (sodium chloride). Halite is an impurity in the sodium bicarbonate solution mining recovery process and final product.

In June of 2015 the BLM approved the applications for production well pairs 15H, 16H, and 17H that included access from an existing oil and gas road (Figure 2).

**Proposed Action:** NS proposes to re-locate the access to the 15H-17H pad (Figures 1 and 2). The proposed access would extend from the 8H well pad, would be adjacent to the approved power line and production pipelines (Figure 2), approximately 750 feet in length, and would have a 14 foot running width and an average construction width of 40 feet (0.7 acres). Construction of the well pad and access is anticipated to begin in late fall 2015.

Construction, monitoring, reclamation, and maintenance activities for NS’s facilities and well field are governed by the approved Mine Plan.

### ***Design Features***

All activities would comply with NS’s approved reclamation and Mine Plan.

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

1. NS 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. NS 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. NS, 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), NS 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. NS 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, NS 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, Number F-8: *“Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan for leasable minerals (e.g., change in mining sequence or timing).”*

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 7/7/2015. 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	8/17/2015
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	7/27/2015
Matthew Dupire	Ecologist	Special Status Plant Species	9/29/2015
Paul Daggett	Mining Engineer	Project Lead	9/30/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	10/5/2015

**Cultural Resources:** The general project area and the area of potential effect (APE) had previously been surveyed for cultural resources at the Class III intensity level. One eligible site (5RB 398) and one “needs data” site (5RB 396), which has to be treated as potentially eligible, are located in the area of potential effect, however will not be adversely impacted by the proposed access route because the proposed route will be far enough away (200 meters) to mitigate impacts to these cultural resources. 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. The project inventory and evaluation is in compliance with the National Historic Preservation Act, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

**Native American Religious Concerns:** The White River Field Office area is located within a larger area identified by the Ute Tribes as part of their ancestral homeland. Contemporary Native American groups such as the Eastern Shoshone, Ute Tribes of the Uinta and Ouray Bands (Northern Ute), Southern Ute, and Ute Mountain Ute maintain cultural ties to the land and resources within the WRFO area.

Section 106 of the National Historic Preservation Act (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470) and its implementing regulations found at 36 CFR 800 requires Federal agencies to take into account the effects their actions would have on cultural resources for any endeavor that involves Federal monies, Federal permitting or certification, or Federal lands. Cultural resources are locations of past or current human activity, occupation, or use and include prehistoric or historic archaeological sites, buildings, structures, objects, districts, or other places. Cultural resources can also be natural features including native plants localities that are considered important to a culture, subculture, or community. Traditional Cultural Properties (TCPs) located throughout the WRFO area, are places associated with the traditional lifeways, cultural practices or beliefs of a living community. These sites are rooted in the community’s history and are important in maintaining cultural identity. Locations of TCPs, are often not known to the BLM, but may be present in or near the project area due its location in the Piceance Basin. 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 animal species that are known to inhabit or derive important use from the project area. The Proposed Action would upgrade a route originally authorized for infrastructure maintenance and inspection. Elevating traffic frequency along a route that bisects the more remote edge of a large sagebrush park (from an established parallel access road) would expand adverse road-related

influences (e.g., avoidance and disuse of available forage and cover) on big game severe winter range. However, considering the proximity of the new 15H well pad, adjacent ongoing well field activity, and consolidated use of what would likely serve as alternative pad access (i.e., powerline/pipeline corridor), the contribution of this road to further deterioration of big game winter range utility would be relatively minor.

**Threatened and Endangered Plant Species:** Plant surveys for the project area were completed in 2014 by Rusty Roberts. These surveys showed that there are no special status plants or plant species habitat in the area of the Proposed Action and no special status plants will be impacted by implementing the Proposed Action.

### **Mitigation**

None.

### **Tribes, Individuals, Organizations, or Agencies Consulted**

None.

### **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, F-8. 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.



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ACTING

Field Manager

10/5/15

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Date

# Appendix A. Figures

Figure 1 Topographic Map

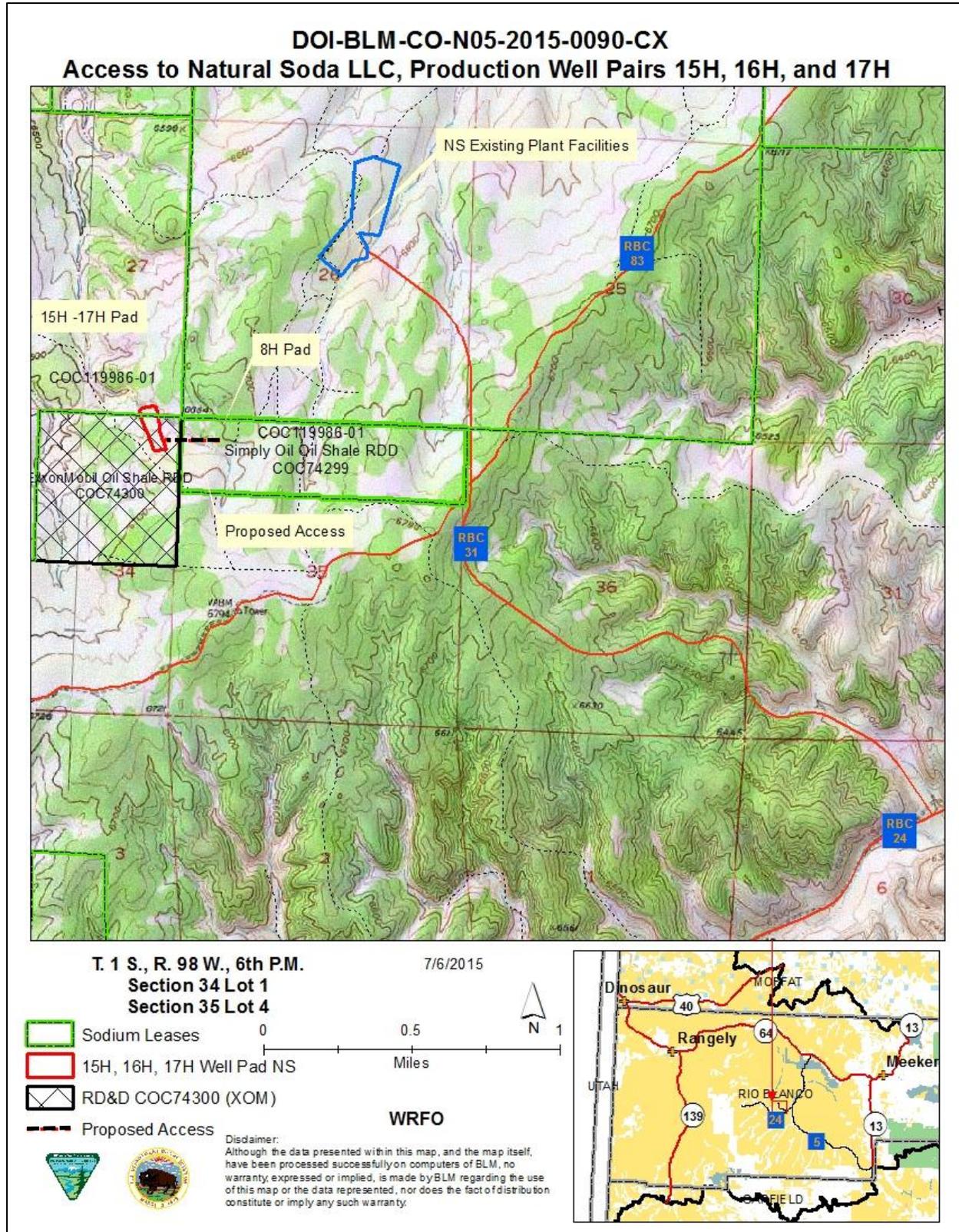
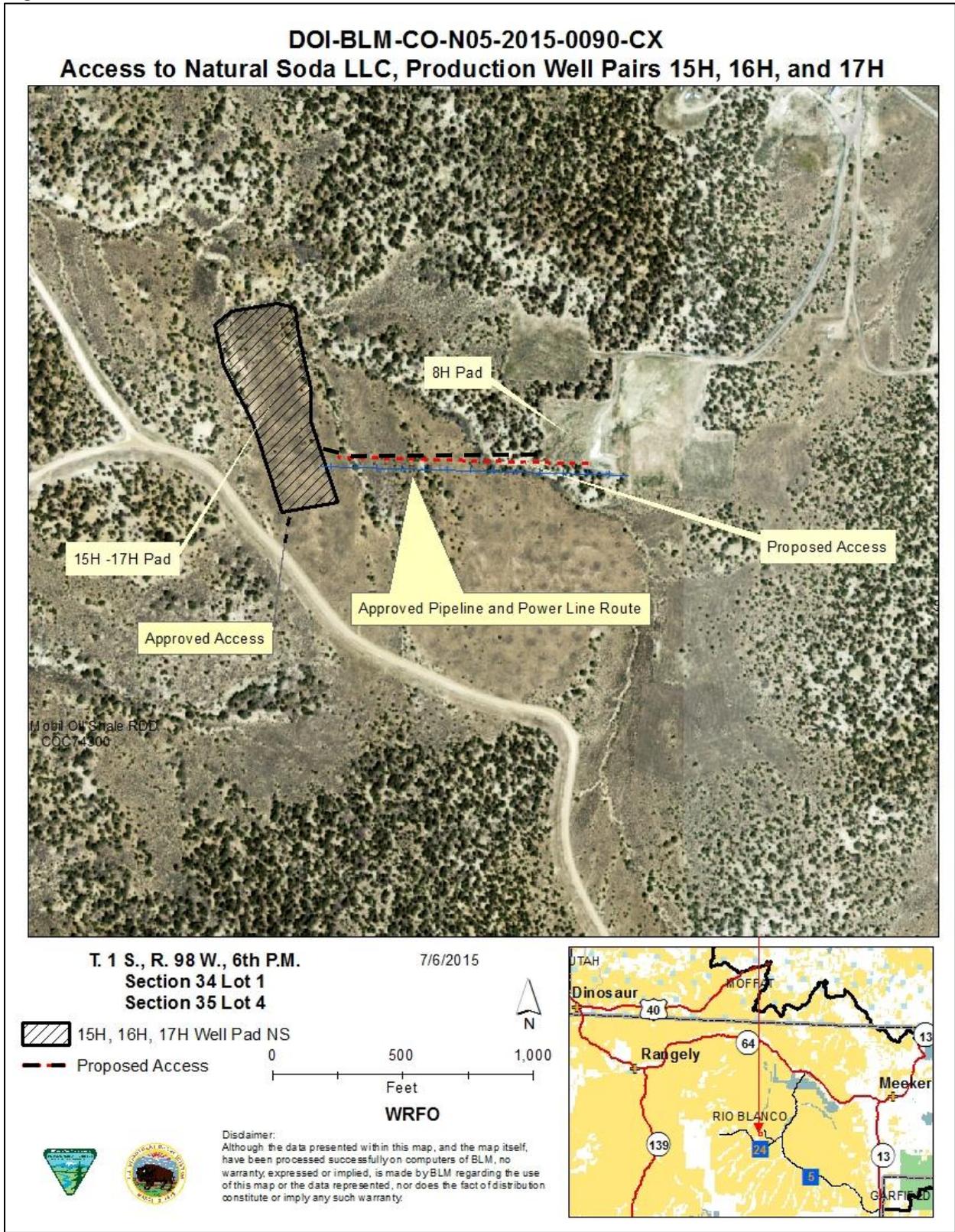


Figure 2 Aerial Photo



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## **DECISION RECORD**

### ***Alternate Access to Natural Soda's 15H-17H Production Pad DOI-BLM-CO-N05-2015-0090-CX***

#### **Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0090-CX, authorizing the construction, and maintenance of Natural Soda LLC's proposed alternate access to production well pairs 15H, 16H, 17H involving approximately 0.7 acres of surface disturbance.

#### ***Applicant Committed Design Features***

1. All activities shall comply with NS's approved reclamation and Mine Plan.

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

2. NS 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.
3. 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 NS 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 NS, 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.
4. 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.

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### **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 7/9/2015. No comments or inquiries have been received as of 9/30/2015.

### **Rationale**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, F-8. 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 relocation of the access to the 15H-17H well pad would enable NS to have a shorter response time to the production pad, help prevent unauthorized access, and reduce the potential for inadvertent or intentional damage to production pad equipment and pipelines.

## 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. NS 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

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

## Signature of Authorized Official

  
Field Manager

10/5/15  
Date