

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

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**Categorical Exclusion  
for  
Renewal of (3) Occidental Oil Shale Right-of-Ways associated with Logan  
Wash Mine. Renewal of Logan Wash Road for TC Landco**

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Grand Junction Field Office  
2815 H Road  
Grand Junction, Colorado 81506

DOI-BLM-CO-N030-2016-0004-CX

**SEPTEMBER 2016**



The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based on the principles of multiple-use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wildlife, wilderness, air, and scenic, scientific, and cultural values.

INTRODUCTION:

Occidental Oil Shale has three right-of-ways granted by the Bureau of Land Management (BLM) that have expired. These rights-of-way (ROW) are associated with the Logan Wash Mine. TC Landco has one right-of-way that has expired. This right-of-way is the Logan Wash Road.

LEGAL DESCRIPTION:

Sixth Principal Meridian, T. 7 S., R. 97 W.; Mesa County, Colorado

APPLICANT: Occidental Oil Shale, Inc. and TC Landco

DESCRIPTION OF PROPOSED ACTION:

The following is a short description of each right-of-way to be renewed for 30 years. The first three ROWs will be **Occidental Oil Shale, Inc.** and the fourth ROW will be **TC LANDCO.**

- 1) COC23027: This case will include all the roads in the area. 1) Logan Wash Road (includes upper) is 45,184 feet in length, by 50 feet in width for acreage of 51.864 acres, 2) Lower Access Road is 2,849 feet in length by 25 feet in width for acreage of 1.636 acres, 3) Upper Access Road is 5,270 feet in length by 40 feet in width for acreage of 4.840 acres, 4) Upper Bench Road is 518 feet in length by 25 feet in width for acreage of 0.298 acres, 5) Lower Bench Road is 843 feet in length by 50 feet in width for acreage of 0.968 acres, 6) Evaporation Pond Road is 2,242 feet in length, by 25 feet in width for acreage of 1.287 acres. Total acreage for this case file is 60.893 acres, more or less.
- 2) COC22434: This case file includes water pipelines and grazing control fence and gates. 1) 4-inch and 6-inch retort water pipeline is 16,695 feet in length by 20 feet (7.666 ac). In addition, the ROW enlarges to 60 feet wide on the side hill from the Logan Wash road to the pond. This section is 2,552 feet and calculates to 3.516 acres. 2) 2-inch water pipeline from the treatment site to BLM boundary. This pipeline is 1,756 feet in length, by 50 feet in width for acreage of 2.016 acres. 3) 4-inch research mine pipeline, 1,308 feet in length by 20 feet in width for acreage of 0.601. Total of all pipeline acreage is 13.80 acres, more or less.
- 3) COC38492: This case includes the fenced evaporation pond. The pond has been split off for billing purposes so it can be billed as a site instead of a linear feature. The pond measures 453 feet by 453 feet (4.71 acres). In addition, there is a settling pond that the mine water enters first. There are stock piles and affected lands within the fenced area of 10.2 acres. Occidental is in the planning stages to replace the existing liner of the evaporation pond. They will go through this process with Colorado Division of Reclamation, Mining, and Safety (DRMS).
- 4) COC36737FD: This case file consists of the Logan Wash Road. This ROW was originally granted to Shell Oil Co. on 5/26/1983. Shell has sold this land to TC LANDCO. This road is similar to the road that Occidental Oil Shale has a ROW for, see 1.1 above. The difference is that this road goes back onto BLM land in 6<sup>th</sup> PM, T. 7 S., R. 97 W., Sections 13 and 24 (See maps). The lower portion of the Logan Wash Road is 45,184 feet by 35 feet and the upper portion is 10,626 feet by 35 feet. Total acreage is 44.843 acres.

PLAN CONFORMANCE REVIEW:

The Proposed Action is subject to and has been reviewed for conformance with (43 Code of Federal Regulations §1610.5, BLM 1617.3) the following plan:

Name of Plan: Grand Junction Field Office Approved Resource Management Plan

Date Approved: August, 2015

Decision Number/Page: Page 169

Decision Language: The objective (L&R-OBJ-01) of the GJFO RMP under Lands and Realty is to “Provide for the development and operation of transportation systems, pipelines, transmission lines, communication sites, renewable energy resources, and other land use authorizations in an environmentally responsible and timely manner”.

CATEGORICAL EXCLUSION REVIEW:

The Proposed Action qualifies as a categorical exclusion under 516 Departmental Manual 11.9 E9: “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations”.

EXTRAORDINARY CIRCUMSTANCES

There are no extraordinary circumstances having effects, which may significantly affect the environment. I considered the following resource conditions in determining whether extraordinary circumstances related to the proposed action warranted further analysis and documentation in an environmental assessment (EA) or environmental impact statement (EIS) (516 DM 2, Appendix 2):

**1. Have significant adverse effects on public health and safety.**

The Proposed Action is not expected to impact public health and safety.

**2. Have adverse effects 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.**

Historic and Cultural Resources:

COC23027: the Lower Bench road, Upper Bench road, Logan Wash Mine Upper access road, and the evaporation pond road have not previously been inventoried for cultural resources, however, due to steep slopes, all but the evaporation pond road were exempt from cultural resource inventory (BLM Handbook for Inventory, Evaluation, and Mitigation of Cultural Resources 1998 [revised 2011]). Approximately 0.4 miles of the evaporation pond road have not been inventoried for cultural resources. Logan Wash Road, Logan Wash Mine lower access road, and

Logan Wash Road (upper) have been partially surveyed by BLM GJFO CRIR 14500-07 (OAHP Doc. No. GF.LM.NR590). Approximately three miles of these roads were not surveyed under this project due to steep slopes. No cultural resources have been located where survey has occurred.

COC22434: The above summary for COC23027 applies for this ROW, as well.

COC38492: The evaporation pond was inventoried prior to the original ROW grant by BLM GJFO CRIR 2084-04/ OAHP Doc. No. GF.LM.R232. No cultural resources were located in the vicinity of the ROW.

COC36737FD: The above summary applies for this ROW. Additionally, the northern portion of the road has been surveyed by BLM GJFO CRIR 14500-07 (OAHP Doc. No. GF.LM.NR590). No cultural resources have been located along this ROW.

ROW renewals are exempt from identification and evaluation of cultural resources under Attachment B to the State Protocol Agreement between the Colorado State Director of the BLM and the Colorado SHPO (2014). No further cultural resource inventory is necessary.

Wilderness Characteristics: BLM updated the lands with wilderness characteristics inventory in 2012. Project area was determined to not have wilderness characteristics.

Migratory Birds: The evaporative pond should be netted to preclude entry by wildlife and to comply with the Migratory Bird Treaty Act (MBTA) prohibition on “take” of migratory bird species. Enclosure Netting (Fluid Pits). The holder will maintain all fluid pits that contain or have the potential of containing freestanding fluids from the mine workings to prevent wildlife and livestock access, including avian wildlife. At a minimum, the holder will install approved netting (in accordance with the requirements below) over any pit that contains mine working runoff. Note: The BLM does not approve of the use of flagging, strobe lights, metal reflectors, or noisemakers as a technique for deterring wildlife.

Minimum Netting Requirements: The holder will:

- a. Suspend netting a minimum 4 feet above the pit surface.
- b. Use a maximum netting mesh size of 1½ inches to allow for snow loading while excluding most birds and in accordance with U.S. Fish & Wildlife Service recommendations.
- c. Cover the top and sides of the netting support frame with netting and secure the netting at the ground surface around the entire pit to prevent wildlife entry at the netting edges.
- d. Monitor and maintain the netting sufficiently to ensure the netting is functioning as intended, has not entrapped wildlife, is not sagging into the pit, and is free of holes and gaps greater than 1½ inches.

All vegetation clearing and removal associated with the right-of-way will take place outside the migratory bird nesting period of May 15 through July 15.

Hydrology and Soils: At a minimum the following shall be followed:

- Construction activities shall be conducted so as not to disturb more than the minimum area needed for construction of the buried pipeline.
- All disturbed areas shall be contoured to blend with the natural topography.
- All soil erosion associated with the operation must be stabilized to a condition at least equal to that present before disturbance.
- Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the operator shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
- Access and facility roads shall be ditched and crowned and maintained in good condition.
- Access road drainage dips shall be installed at approximately 250 foot intervals on grades of 5 to 10 percent and 500 foot intervals on grades of 1 to 4 percent. Placement of a culvert will take the place of a water dip. Additional water dips or culverts may be required by the authorized officer if road conditions require it.
- Speed limits should be limited to 25 mph during dusty conditions or dust suppression should be utilized if dust is expected for more than one hour.

**3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.**

The impacts of renewing rights-of-way are negligible in the overall area.

**4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

Renewing existing rights-of-way pose no unique or unknown risks.

**5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.**

This decision is within the scope of the Resource Management Plan and is not expected to establish a precedent for future actions.

**6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.**

These renewals are all existing rights-of-way. The project does not include any new disturbance.

**7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.**

No historic properties have been located within the ROWs for renewal. See comments in number 2 above for more detail.

**8. Have adverse effects 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.**

The lower elevation portions of the road and pipeline, and the evaporation pond are within severe winter range and a winter concentration area for mule deer. Construction and intensive maintenance activities should be avoided between December 1 and May 1 annually to minimize impacts to wintering mule deer. Other wildlife likely to occur in the area include Merriam's turkey, elk, mountain lion, black bear, a number of small mammals, and resident and migratory birds.

The ROW renewal includes pipeline and road segments that fall within Designated Critical Habitat for the Parachute penstemon, and the private Logan Wash Mine site is within a designated Colorado Natural Area (designated for the protection of Parachute penstemon). The federally threatened Parachute penstemon is growing on and alongside the upper bench and lower bench mine access roads. Additionally, the BLM Sensitive Roan Cliffs blazingstar occurs along the upper Logan Wash road. Recent storm water management work at the mine required Section 7 consultation with US FWS due to the Parachute penstemon's presence. Coordination between Occidental Oil Shale, BLM, and FWS will be necessary for all future maintenance activities on upper and lower bench roads to ensure adequate protections.

The Logan Wash Road and evaporative pond are in suitable Colorado hookless cactus habitat, with the closest recorded cactus being within a half mile of the road. Future maintenance activities resulting in new disturbance may require surveys.

While the proposed action of ROW renewal will not have any direct adverse effects on listed plant species or BLM sensitive plants, the maintenance activities may affect plants if coordination with BLM does not occur prior.

In addition to the standard stipulations, the following additional stipulations for the ROWs further reduces the potential for adverse effects to specific special status species and their habitats that are known to occur.

Additional Stipulation:

Where plant surveys are required, surveys shall be conducted during the optimal flowering season of the specific species which is typically between April and mid-July (depending on species) and should be coordinated with the BLM ecologist.

**9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.**

This decision complies with other Federal, State, or local laws and requirements imposed for the protection of the environment. This project is regulated by the State of Colorado and is currently complying with all requirements. During the maintenance or reconfiguring of the evaporation pond, the proponent shall comply with all Colorado Division of Mining Reclamation and Safety and or Colorado Department of Health and Environment requirement for such activities.

**10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.**

There are no low income or minority populations in the project area. No minority or low-income populations would suffer disproportionately high and adverse effects as a result of the renewal of rights-of-way.

**11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.**

The Ute have a generalized concept of spiritual significance that is not easily transferred to Western models or definitions. As such the BLM recognizes that they have identified sites that are of concern because of their association with Ute occupation of the general area as part of their traditional lands.

The proposed ROW renewals will not limit access to ceremonial use of Indian sacred sites. No sacred sites, as known to the agency, are within the direct project area.

**12. Significantly, 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.**

The renewal of existing rights-of-way is not expected to contribute to invasive species infestation. The field office routinely treats weed infestations when they are found, therefore we do not expect this project to contribute to invasive species infestation.

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Natalie Clark	Archaeologist	Cultural Resources, Native American Religious Concerns
Anna Lincoln	Ecologist	Special Status Species
Heidi Plank	Wildlife Biologist	Wildlife, Fisheries, Special Status Species

Kevin Hyatt

Hydrologist

Air, Water, Soils

Andy Windsor

Recreation Planner

Visual Resources, Access

**Table 1– Potentially Impacted Resources**

Resources	Not Present On Location	No Impact	Potentially Impacted	Mitigation Necessary ?	BLM Evaluator Initial & Date
Air and Climate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	KH 9/6/16
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	KH 9/6/16
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	KH 9/6/16
Geological/Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 2/9/16
Special Status Plants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	ARL 8/29/16
Special Status Wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	HLP 2/23/16
Migratory Birds	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	HLP 2/23/16
Other Important Wildlife Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	HLP 2/23/16
Vegetation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	BP 2/26
Forestry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	BP 2/26
Invasive, Non-native Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	MT 2/26/16
Riparian Zones/ Wetlands	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	ARL 2/19/16
Cultural or Historical	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	NFC 9/8/16
Paleontological	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 2/9/26
Tribal and Native American Religious Concerns	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	NFC 9/8/16
Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/9/16
Social/Economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CS 2/25/16
Transportation and Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/9/16
Wastes, Hazardous or Solid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AK 3/8/16
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/9/16
Special Designations (ACEC, SMAs, WSR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/9/16
Wilderness & Wilderness Characteristics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/9/16
Range Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	BP 2/26
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JD
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JD 2/26/16
Fire/Fuels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JP 3/1/16

NAME OF PREPARER: Janet Doll

NAME OF ENVIRONMENTAL COORDINATOR: Christina Stark

DATE: 9/16/14

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
GRAND JUNCTION FIELD OFFICE**

**DECISION DOCUMENT**

**Renewal of (3) Occidental Oil Shale Right-of-Ways associated with Logan  
Wash Mine. Renewal of Logan Wash Road for TC Landco**

**DOI-BLM-CO-NO30-2016-0004-CX**

**DECISION:**

I have reviewed this document and it is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-NO30-2016-0004-CX, authorizing three renewals for Occidental Oil Shale, LLC and one renewal for TC Landco. This project is categorically excluded from documentation in an environmental assessment (EA) or EIS under 516 DM 11.9 E 9: “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations”.

**RATIONALE:**

This action is listed in the Department Handbook H-1790-1 as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that no extraordinary circumstances exist.

**PUBLIC INVOLVEMENT:**

Public scoping was conducted by posting the project information on the Bureau of Land Management (BLM) ePlanning NEPA website, this was the primary mechanism used by the BLM to initially identify issues from the public. Internal scoping for the project included presentation and discussion of the project at BLM interdisciplinary meetings (IDT).

**ADMINISTRATIVE REMEDIES:**

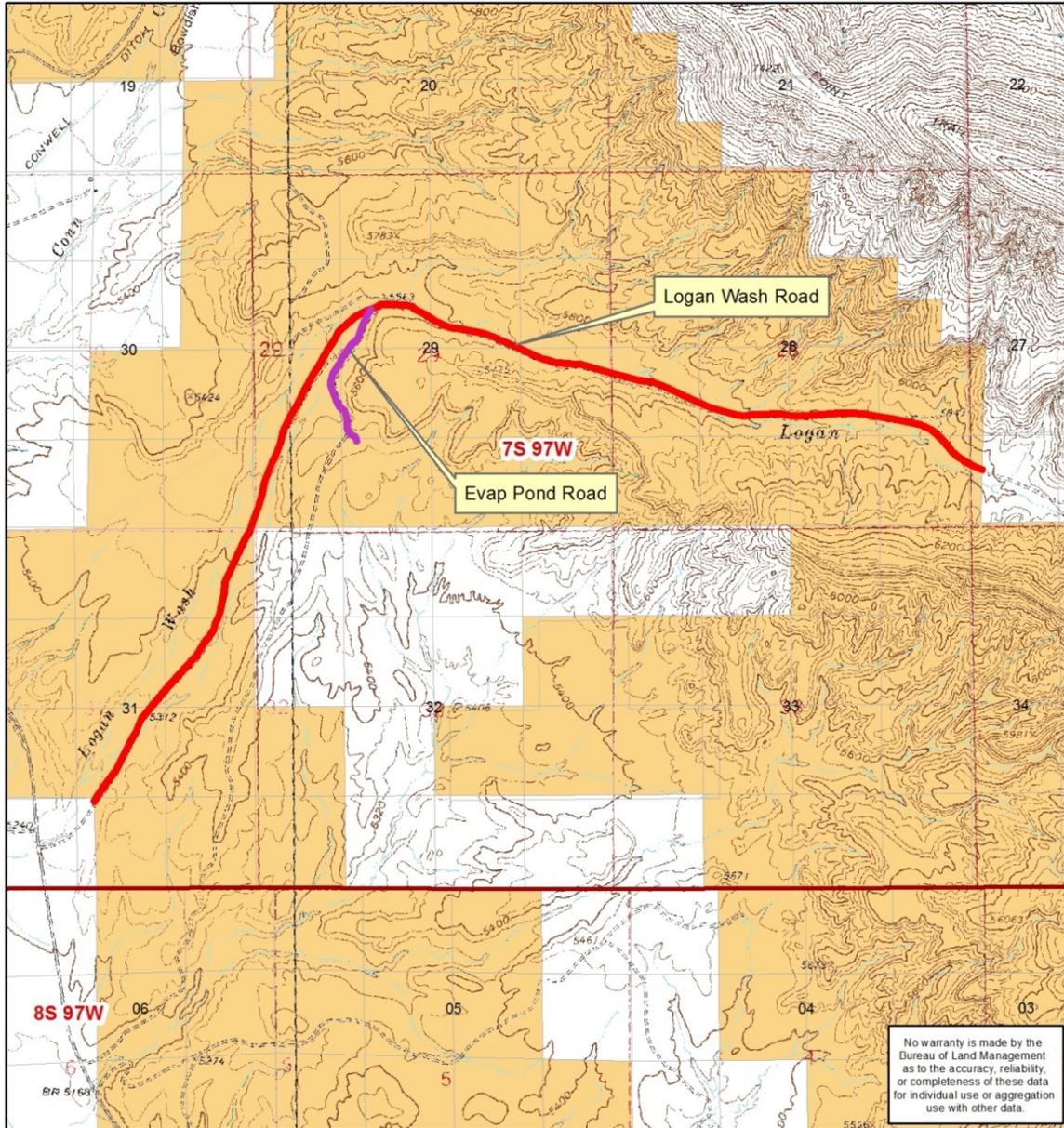
Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.)

for Wame  
Katie A. Stevens  
Field Manager  
Grand Junction Field Office

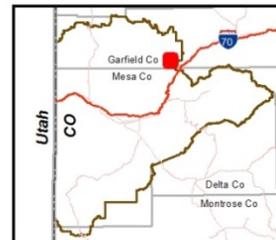
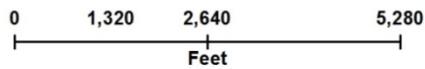
9-16-16  
Date

**ATTACHMENTS:** Exhibit A: Project Maps (8)  
Exhibit B: Stipulations

# Renew COC23027 Occidental roads at Logan Wash Mine 1/2



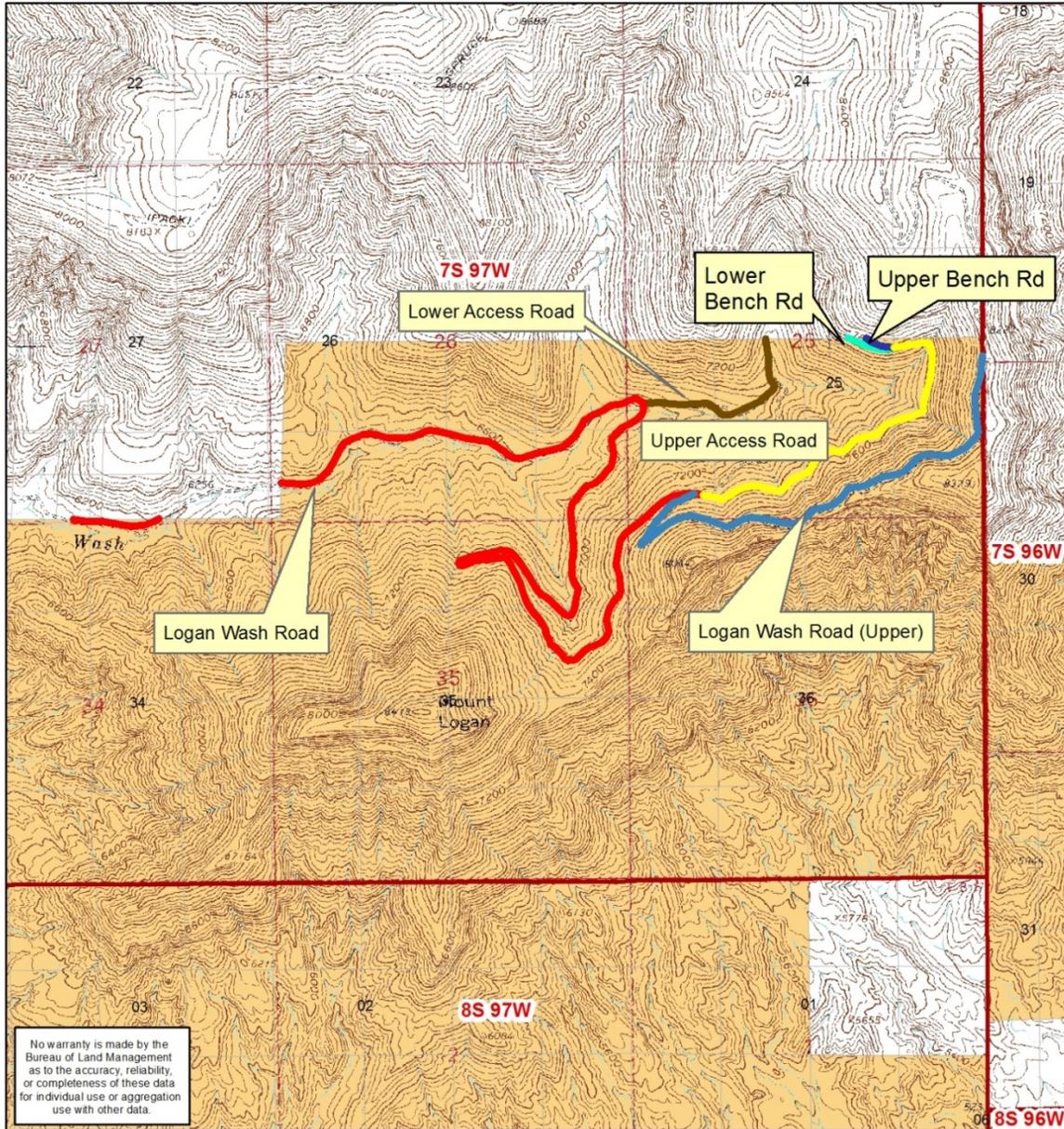
- ROW Road ID, Length in Feet
- Evaporation Pond Road, 2241.55
- Logan Wash Road, 37515.1
- Bureau of Land Management
- Private



This map was produced by the BLM Grand Junction Field Office October, 2015

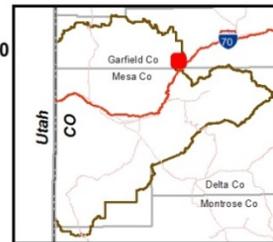
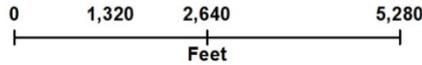
Location of the Project in the Grand Junction Field Office

# Renew COC23027 Occidental roads at LoganWash Mine 2/2



ROW Road ID, Length in Feet

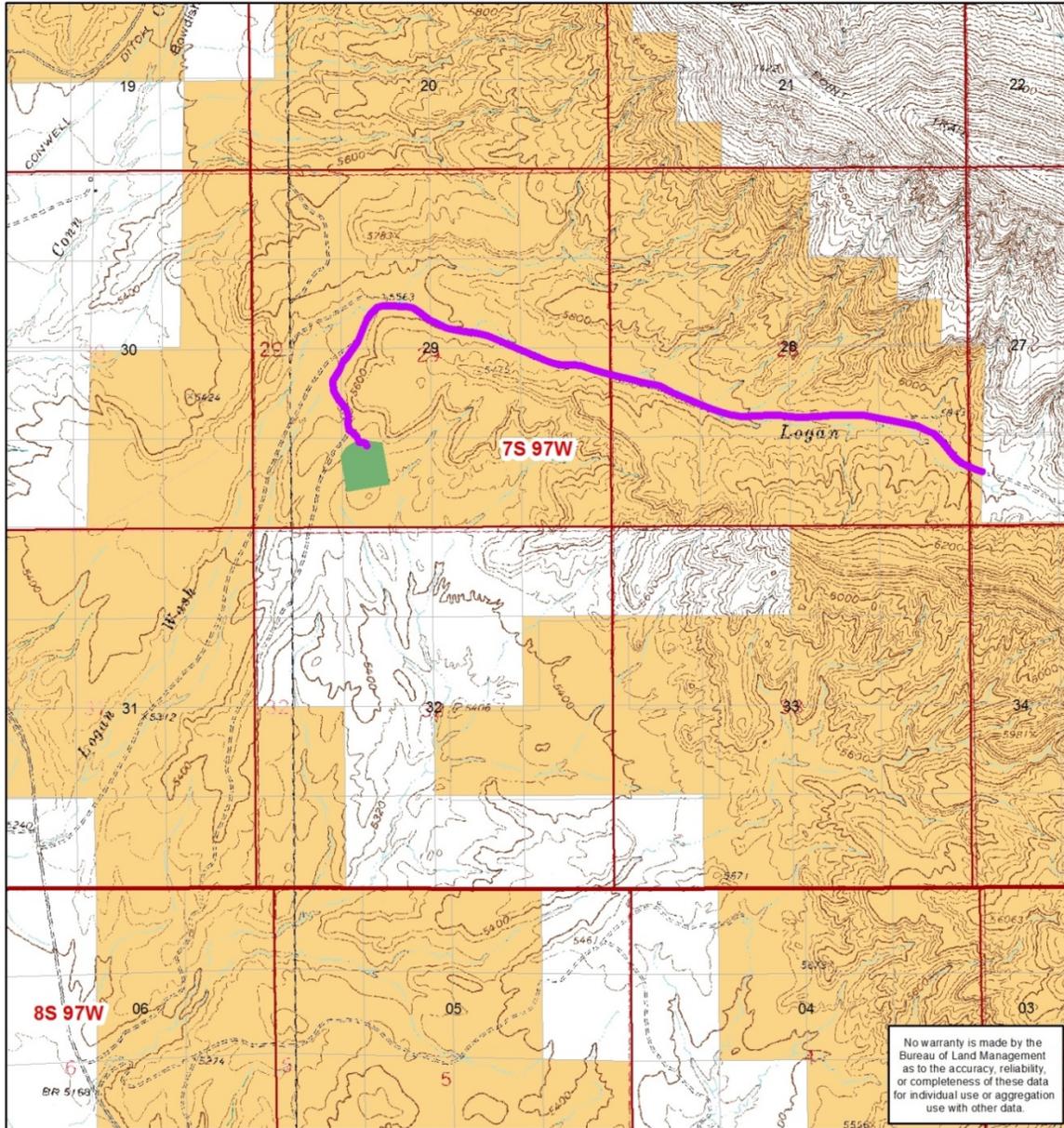
- Logan Wash Mine Lower Access Road, 2848.65
- Logan Wash Mine Upper Access Road, 5270.27
- Logan Wash Road (upper), 7669.03
- Logan Wash Road, 37515.1
- Lower Bench Road, 842.935
- Upper Bench Road, 517.704
- Bureau of Land Management
- Private



This map was produced by the BLM Grand Junction Field Office October, 2015

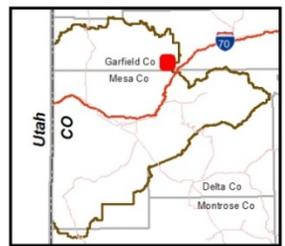
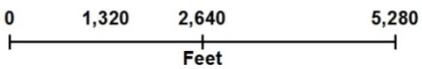
Location of the Project in the Grand Junction Field Office

# Renew COC22434 Occidental Water Pipeline 1/2



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregation use with other data.

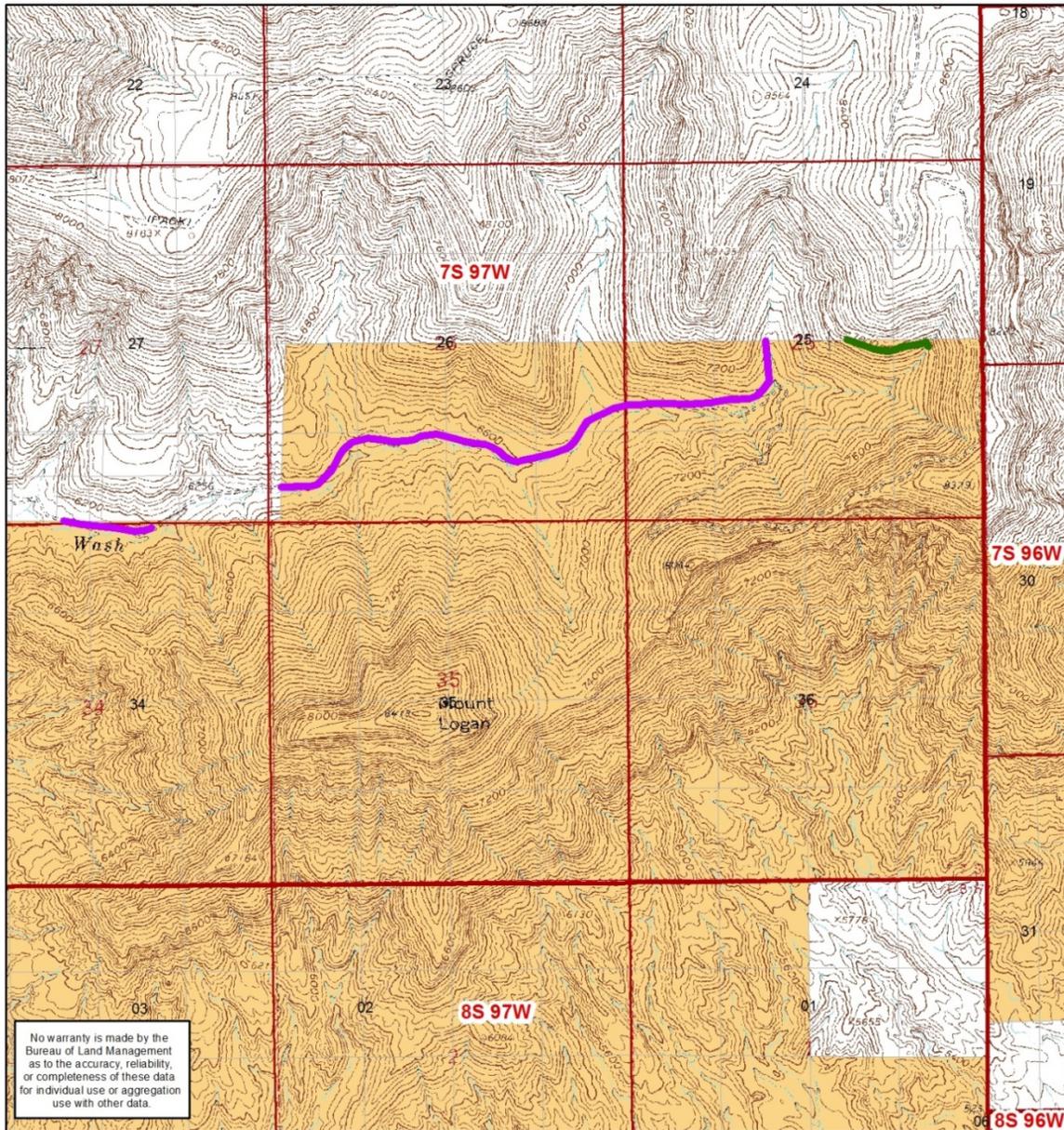
- Bureau of Land Management
- Private
- Evaporation Pond
- Pipeline, Length in Feet
- Mine Site to Evaporation Pond Water Pipeline, 21876



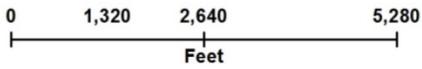
This map was produced by the BLM Grand Junction Field Office October, 2015

Location of the Project in the Grand Junction Field Office

# Renew COC22434 Occidental Water Pipelines 2/2

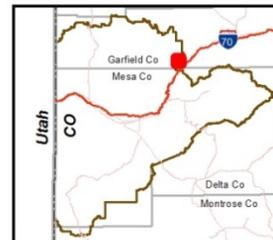


Bureau of Land Management  
 Private



**Pipeline, Length in Feet**

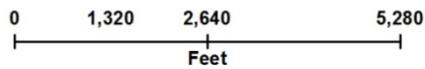
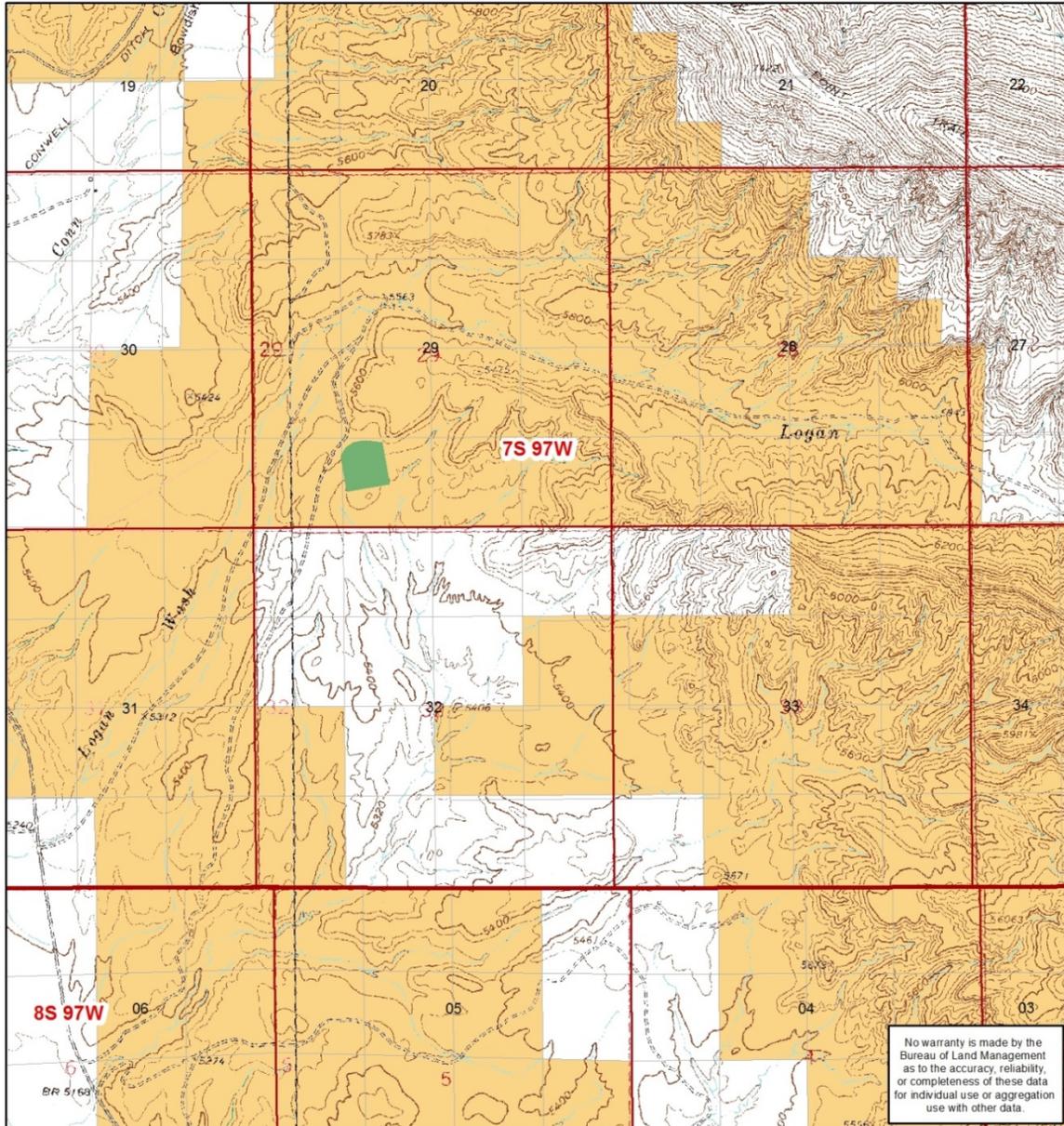
- Lower Bench Road Water Pipeline, 1308
- Mine Site to Evaporation Pond Water Pipeline, 21876



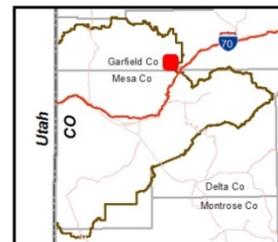
This map was produced by the BLM Grand Junction Field Office October, 2015

Location of the Project in the Grand Junction Field Office

# Renew COC38492 Occidental Oil Shale Evaporative Pond



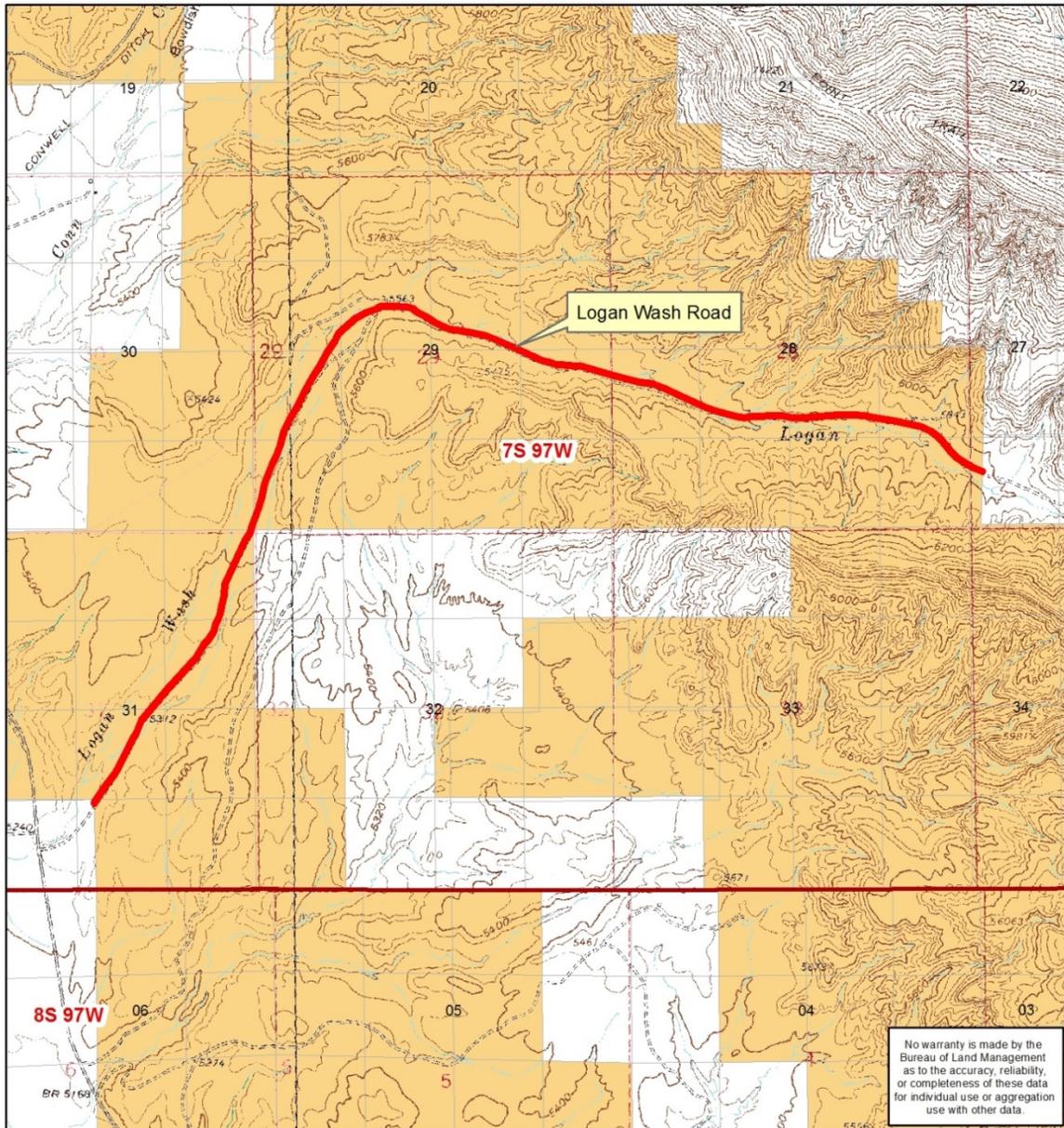
- Bureau of Land Management
- Private
- Evaporation Pond



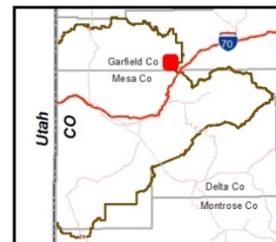
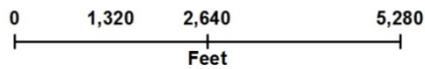
This map was produced by the BLM Grand Junction Field Office October, 2015

Location of the Project in the Grand Junction Field Office

# Renew COC36737FD TC Landco Logan Wash Road 1 of 3



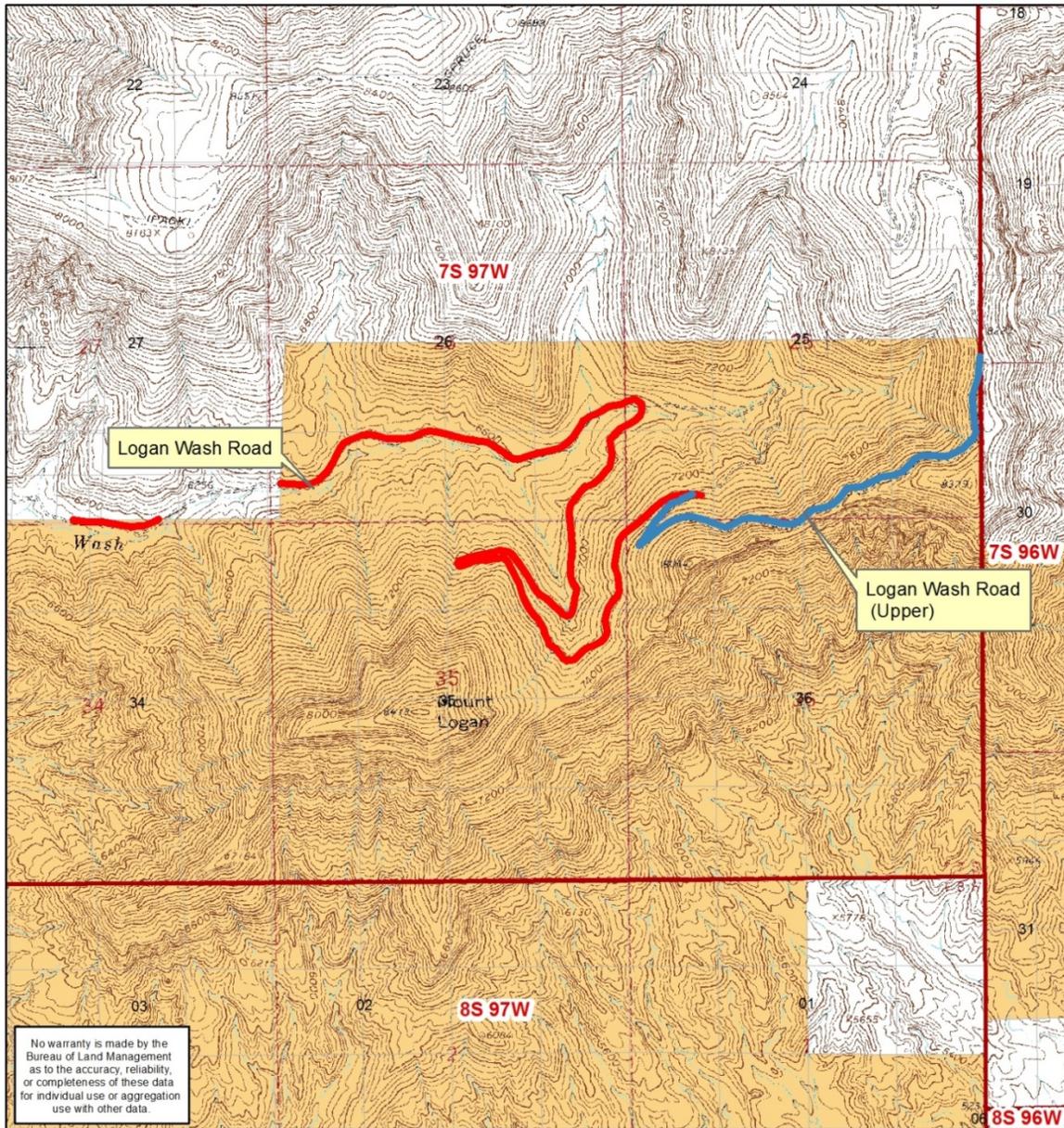
ROW Road ID, Length in Feet  
**—** Logan Wash Road, 37515 feet  
 Bureau of Land Management  
 Private



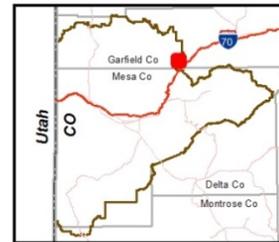
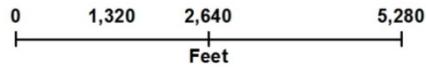
This map was produced by the BLM Grand Junction Field Office February 2016

Location of the Project in the Grand Junction Field Office

# Renew COC36737FD TC Landco Logan Wash Road 2 of 3



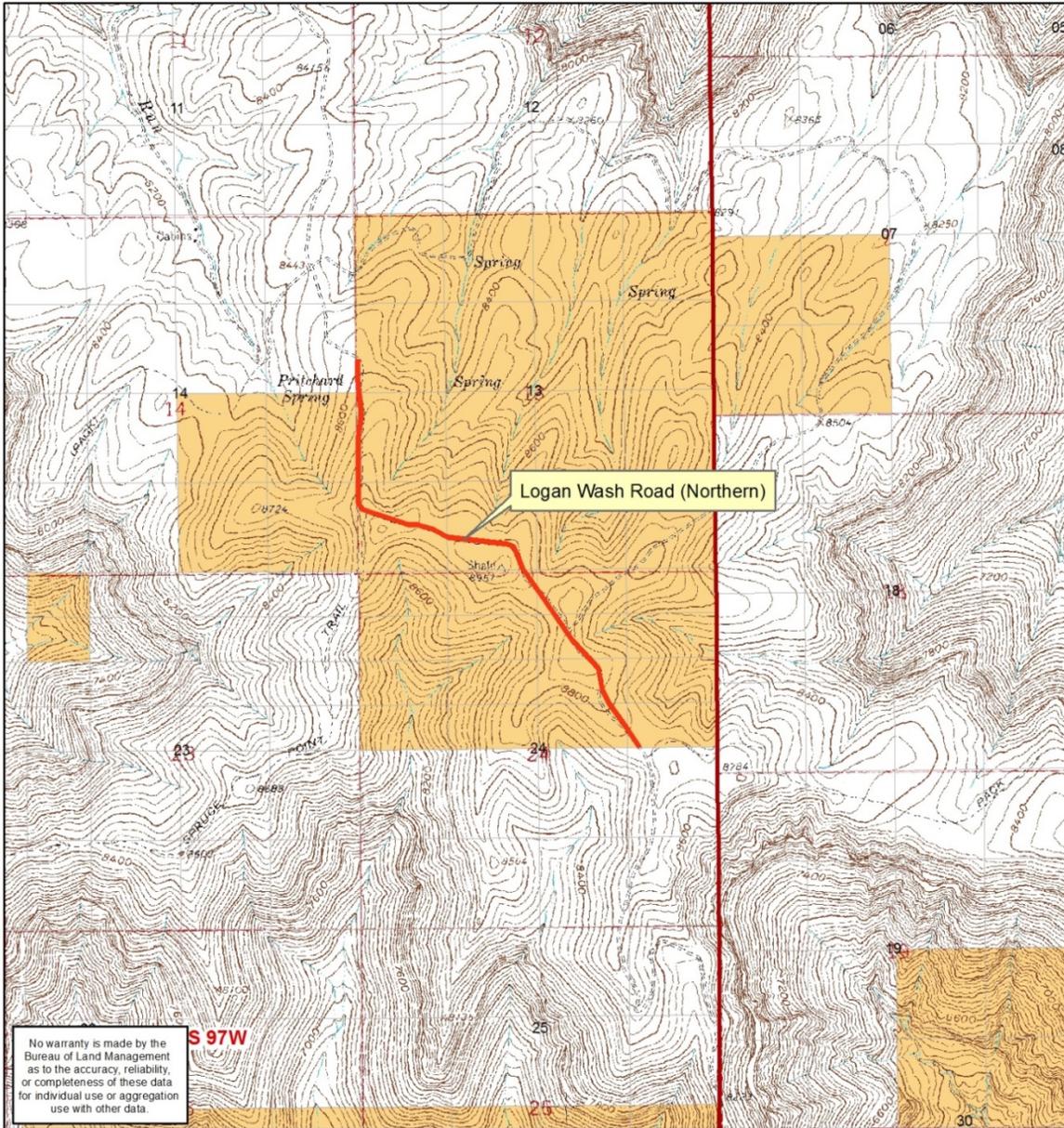
- ROW Road ID, Length in Feet
- Logan Wash Road (upper), 7669
  - Logan Wash Road, 37515
  - Bureau of Land Management
  - Private



This map was produced by the BLM Grand Junction Field Office February, 2016

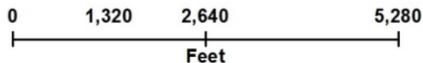
Location of the Project in the Grand Junction Field Office

# Renew COC36737FD TC Landco Logan Wash Road 3 of 3

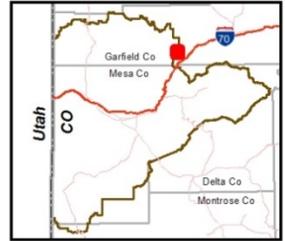


No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregation use with other data.

**S 97W**



- Logan Wash Road (northern) 8104 feet
- Bureau of Land Management
- Private



This map was produced by the BLM Grand Junction Field Office February, 2016

Location of the Project in the Grand Junction Field Office

## EXHIBIT B: STIPULATIONS

**Migratory Birds:** COC38492, The evaporative pond should be netted to preclude entry by wildlife and to comply with the Migratory Bird Treaty Act (MBTA) prohibition on “take” of migratory bird species. Enclosure Netting (Fluid Pits). The holder will maintain all fluid pits that contain or have the potential of containing freestanding fluids from the mine workings to prevent wildlife and livestock access, including avian wildlife. At a minimum, the holder will install approved netting (in accordance with the requirements below) over any pit that contains mine working runoff. Note: The BLM does not approve of the use of flagging, strobe lights, metal reflectors, or noisemakers as a technique for deterring wildlife.

**Minimum Netting Requirements:** The holder will:

- a. Suspend netting a minimum 4 feet above the pit surface.
- b. Use a maximum netting mesh size of 1½ inches to allow for snow loading while excluding most birds and in accordance with U.S. Fish & Wildlife Service recommendations.
- c. Cover the top and sides of the netting support frame with netting and secure the netting at the ground surface around the entire pit to prevent wildlife entry at the netting edges.
- d. Monitor and maintain the netting sufficiently to ensure the netting is functioning as intended, has not entrapped wildlife, is not sagging into the pit, and is free of holes and gaps greater than 1½ inches.

All vegetation clearing and removal associated with the right-of-way will take place outside the migratory bird nesting period of May 15 through July 15.

**Other Important Wildlife Habitat:** The lower elevation portions of the road and pipeline, and the evaporation pond are within severe winter range and a winter concentration area for mule deer. Construction and intensive maintenance activities should be avoided between December 1 and May 1 annually to minimize impacts to wintering mule deer.

**Hydrology/Soils:** At a minimum the following shall be followed:

- Construction activities shall be conducted so as not to disturb more than the minimum area needed for construction of the buried pipeline.
- All disturbed areas shall be contoured to blend with the natural topography.
- All soil erosion associated with the operation must be stabilized to a condition at least equal to that present before disturbance.
- Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any

other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

- Access and facility roads shall be ditched and crowned and maintained in good condition.
- Access road drainage dips shall be installed at approximately 250 foot intervals on grades of 5 to 10 percent and 500 foot intervals on grades of 1 to 4 percent. Placement of a culvert will take the place of a water dip. Additional water dips or culverts may be required by the authorized officer if road conditions require it.
- Speed limits should be limited to 25 mph during dusty conditions or dust suppression should be utilized if dust is expected for more than 1 hour.

**Special Status Plants:** The ROW holders should coordinate with the BLM and FWS before all future maintenance activities on upper and lower bench roads to ensure adequate protections for federally listed Parachute penstemon and BLM sensitive Roan Cliffs blazingstar.

The holder may be required to conduct surveys as determined by the BLM Authorized Officer for Parachute penstemon and Colorado hookless cactus (and other sensitive or listed species) for future maintenance activities resulting in new disturbance along the Logan Wash Road and at the evaporation pond.

**Additional Stipulation:**

Where plant surveys are required, surveys shall be conducted during the optimal flowering season of the specific species which is typically between April and mid-July (depending on species) and should be coordinated with the BLM ecologist.

## **STANDARD STIPULATIONS**

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on its behalf, on Federal land shall be immediately reported to the authorized officer. The Holder shall suspend all operations in the immediate area of such discovery 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 cultural or scientific values. The Holder may be responsible for the cost of evaluation, and any decision as to proper mitigation measures will be made by the authorized officer after consulting the Holder.
2. Pursuant to 43 CFR 10.4(g) the Holder of this authorization must notify the authorized officer, by telephone, with 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), Holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

3. The Holder or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials and immediately contact the authorized officer. Within five working days, the authorized officer will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in-place preservation is not necessary).
4. All construction equipment shall be washed clean and weed seed free prior to moving equipment on public lands and start of construction. The Holder shall monitor and control those noxious weeds that may occur or be found, as listed in the booklet, Noxious Weeds of Mesa County. If chemical control is necessary, use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the proponent shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, the pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
5. The Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601 et seq.), with regard to any toxic substances that are used, generated by or stored on the lease or on facilities authorized under this grant (see 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR, Part 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. The Holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
7. The holder shall notify the Authorized Officer (AO) at least 60 days prior to non-emergency activities that would cause surface disturbance in the ROW or TUP. BLM will determine whether any special resource (cultural, plants, animals, etc.) inventories, treatments, or mitigation are required. The AO may require the completion of a special status species survey by a third party contractor at the expense of the holder, or the BLM may choose to complete the survey. The BLM may take actions or make

recommendations to protect any special status plant populations identified near or on the right-of-way.

8. A “Notice to Proceed” stipulation shall be required for any non-emergency activities as defined above that would cause surface disturbance on the ROW or TUP. Any request for a “Notice to Proceed” should be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.
9. On the right-of-way, the holder shall monitor and control those noxious weeds that may occur or be found, as listed in the booklet, Noxious Weeds of Mesa County. If chemical control is necessary, use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the AO written approval of a plan showing the type and quantity of material to be used, the pest(2) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the AO prior to use.
10. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the ROW.
11. At least 90 days prior to termination of the ROW, the holder shall contact the Authorized Officer (AO) to arrange a joint inspection of the ROW. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material (e.g., gravel or concrete), as well as re-contouring and re-vegetating roads to enhance the visual resource of the surrounding area. The BLM will provide an adequate seed mix for reclamation. The AO must approve the plan in writing prior to the holder’s commencement of any termination activities.