

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
High Desert District, Kemmerer Field Office

**CATEGORICAL EXCLUSION DOCUMENTATION**  
**CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**  
**DOI-BLM-WY-D090-2016-0011-CX**

**A. Background**

**BLM Office: Kemmerer Field Office**

**Lease/Serial/Case File No.: see attached list**

**Proposed Action Title/Type: Sodium Lease Renewal**

**Applicant: TRONOX; TATA Chemicals; Solvay Chemicals**

**Location of Proposed Action: See attached list; Sweetwater County, Wyoming**

**Description of Proposed Action: Sodium Lease Renewals – see attached**

**B. Land Use Plan Conformance**

The Proposed Action is in conformance with the following Land Use Plan (LUP):

- The Proposed Action is subject to the Approved Kemmerer Resource Management Plan/ Record of Decision (RMP/ROD), as approved on May 24, 2010 and amended by the Approved Resource Management Plan Amendments (ARMPA) for the Rocky Mountain Region, approved 9/22/2015 (BLM 2015). The Proposed Action is in conformance with the RMP as amended.

The Proposed Action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Mineral Resources, Goal MR:1.3, Objective MR:1.3.

- Decision #2016 – All public lands (outside of the Raymond Mountain WSA and exceptions identified below) within the planning area are available for sodium leasing consideration.  
No new sodium leases or exploration licenses may be issued within the Raymond Mountain WSA.  
No new sodium exploration and leasing will be considered for Rock Creek/Tunp and Bear River management areas. (P. 2-27)

### C. 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 Solid Minerals (2):

- Approval of mineral lease readjustments, renewals, and transfers including assignments and subleases.

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 516 DM 2 apply.

### D: Signature

Prepared By: Richard Fleming 3-8-2016  
Preparer/Title Date

Reviewed By: Travis Cheuning 3-9-2016  
Reviewer/Title Date

Reviewed By: [Signature] 3/10/2016  
Assistant Field Manager Date

Authorizing Official: William A. Miller 3/14/16  
Field Manager Date

### Contact Person

For additional information concerning this CX review, contact

Richard Fleming, Geologist  
Kemmerer Field Office  
(307) 828-4509

### Attachments

- CX Decision
- Extraordinary Circumstance to Categorical Exclusions
- Wildlife Clearance Form
- List of Sodium Leases with Locations

**Decision:**

- Based on a review of the project described in the attached categorical exclusion documentation and Kemmerer Field Office staff recommendations, it is my decision to implement this action. I have determined that the project is in conformance with the Approved Kemmerer Resource Management Plan/ Record of Decision (RMP/ROD), as approved on May 24, 2010 and amended by the Approved Resource Management Plan Amendments (ARMPA) for the Rocky Mountain Region, approved 9/22/2015 (BLM 2015). The Proposed Action is in conformance with the RMP as amended.

Project authorization is subject to mitigation measures identified on Attachment 1.

**Administrative Remedies:**

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office within 30 days of this decision for transmittal to the Board.

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. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success 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.

Authorizing Official: William A. Mier Date: 3/14/16  
William A. Mier  
Field Manager, Kemmerer Field Office

## SOLVAY CHEMICALS

<u>SERIAL NUMBER</u>	<u>LOCATION</u>
WYW079652	16N 109W Sec. 6; 17N 109W Sec. 32
WYW081607	17N 110W Sec. 4; 18N 110W Sec. 28, 32
WYW086530	17N 109W Sec. 30
WYW095423	18N 110W Sec. 34
WYW153933	18N 110W Sec. 26
WYW225919	17N 109W Sec. 10
WYW324547	18N 109W Sec. 30
WYW073121	17N 109W Sec. 8, 18
WYW098420	17N 109W Sec. 6; 18N 109W Sec. 32; 17N 110W Sec. 2
WYW098421	17N 109W Sec. 2, 4
WYW127914	17N 109W Sec. 34
WYW128038	17N 110W Sec. 10, 12
WYW139796	17N 109W Sec. 20, 28
WYW139797	17N 109W Sec. 22, 26
WYW139798	17N 109W Sec. 14, 24
WYW179613	16N 109W Sec. 2 S2NE, SE; Lots 5, 6
WYW179614	16N 109W Sec. 2 S2NW; SW, Lots 7, 8
WYW180016	16N 109W Sec. 12

## **TATA CHEMICALS**

<u>SERIAL NUMBER</u>	<u>LOCATION</u>
WYE022955	18N 109 W Sec. 6, 8, 18
WYE022957	18N 109W Sec. 22
WYW095424	19N 109W Sec. 30
WYW095425	18N 109W Sec. 4, 10; 19N 109W Sec. 32
WYW317634	18N 110W Sec. 24
WYW127913	18N 109W Sec. 34
WYW128036	18N 109W Sec. 20
WYW128037	18N 109W Sec. 28
WYW077106	18N 109W Sec. 26

## **TRONOX ALKALI WYOMING**

<u>SERIAL NUMBER</u>	<u>LOCATION</u>
WYE021612	19N 110W Sec. 22, 24, 26, 28
WYW044874	18N 110W Sec. 10, 12, 14, 22
WYW044875	18N 110W Sec. 2, 4, 6, 8
WYW053867	19N 110W Sec. 20, 30, 32, 34
WYW057154	19N 111W Sec. 34
WYW064005	18N 111W Sec. 4, 10
WYW064006	18N 110W Sec.18; 18N 111W Sec. 12, 14, 24
WYW081576	16N 109W Sec. 14, 24

SERIAL NUMBER

LOCATION

WYW225917

16N 109W Sec. 14

WYW256443

19N 11W Sec. 2; 20N 11W Sec. 26

WYW313075

20N 111W Sec. 24

WYW313077

20N 111W Sec. 34

WYW148787

18N 111W Sec. 2; 19N 111W Sec. 26

WYW180015

18N 110W Sec. 20

**Categorical Exclusions Extraordinary Circumstance Review**  
**DOI-BLM-WY-D090-2016-0011-CX**

**Exceptions to Categorical Exclusion Documentation**

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply.

<b>Extraordinary Circumstances</b>		
1. Have significant impacts on public health or safety.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: There are no public health or safety issues foreseen as a result of this project. No additional health or safety issues will arise as the result of authorizing this project.
2. 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.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: None of the natural resources or unique geographic characteristics listed above are present in the already existing project area.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: There are no disagreements over the nature of the impacts among those with special expertise.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: The proposed action will be located in a previously disturbed area. There are no unique or unknown environmental effects or risks.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: There are no future actions connected to this proposal.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: There are no relationships to other actions.

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: There will be no impact to properties listed, or eligible for listing, on the National Register of Historic Places since all lease authorizations are for underground mining.
8. 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.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: A wildlife clearance has been completed and is attached to this document. There will be no significant impacts to Endangered or Threatened species or designated Critical Habitat for these species.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: There are no federal, state, local or tribal laws or requirements violated as a result of this action.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: There are no impacts associated with environmental justice as a result of this project.
11. 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).		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: Lease renewal would not involve surface disturbing activity. All subsequent activity on the leases will be subject to Lease Authorizations and their accompanying clearances.
12. 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).		
<b>Yes</b>	<b>No</b> <b>X</b>	Rationale: The applicant would control the introduction, continued existence or spread of any noxious weeds or non-native invasive species as part of their site maintenance and reclamation plan.

Reviewed By: *Travis Cheuning*  
 Planning & Environmental Coordinator

3-9-16  
 Date

**Attachment 1****Kemmerer Field Office  
Sodium Lease Renewal Stipulations - 2016**

The renewed sodium leases will be subject to the standard lease terms and conditions in addition to the special stipulations stated below and applied to individual leases as shown in Table 1 at end of this list. Further environmental analysis will be requested upon receipt of a development proposal.

The attached list of leases shall be subject to these Special Stipulations:

**Section 14. Special Stipulations**

(a) The lessee shall be required to pay the value of the royalty due on salable sodium products which would have been produced from any trona left unmined, without approval of the Authorized Officer, which should have been recovered under the approved mine plan and which is otherwise lost or left economically inaccessible by mechanical mining techniques.

(b)(1) The Authorized Officer will reject an application for renewal of this lease if, at the end of the lease's current term, sodium is not being produced in paying quantities from:

(i) This lease; or

(ii) The contiguous mining block in which this lease is included.

(2) For the purposes of this provision:

(i) The "contiguous mining block" is an area approved by the Authorized Officer, which includes lands covered by this lease and which may include lands covered by other Federal and/or non-federal sodium leases, each of which must be accessible using standard mining practices from at least one adjacent lease within such area; and

(ii) "Sodium is not being produced in paying quantities" when the gross value of sodium compounds and other related products produced from this lease or the contiguous mining block at the point of shipment to market does not yield a return in excess of all direct and indirect operating costs allocable to their production.

(c) The Federal Government is responsible for compliance with the purpose and policy of the Endangered Species Act of 1973, hereafter referred to as the Act. Parcels attached to this lease were cleared for Threatened and Endangered Species and their Critical habitat prior to issuance. Subsequent surface disturbance activities, however, require that the Federal Government again evaluate the proposed action for its effect on listed Threatened and Endangered plant and animal species. To facilitate a timely evaluation of these resources as they apply to the Act, it may be necessary for the lessee to fund the expense of such items as aircraft time or snowmobile rental, or contract with private consultants in order to comply with Bureau Policy and provisions of the Act. If formal consultation with the US Fish and Wildlife Service is deemed necessary, the lessee may be required to provide additional mitigation as specified by the Service in their Biological Opinion.

(d) The lease holder shall comply with the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River Basin (RIP) as executed by cooperative agreement January 22, 1988 and revised March 7, 1994.

(e) Surface disturbance and disruptive activities are prohibited within two (2) miles of a sage-grouse lek from March 15 to July 15 for the protection of Greater Sage-grouse nesting and brood-rearing outside of PHMA (Core).

(f) Surface disturbance and disruptive activities are prohibited from Mar. 15 to July 15 for the protection of Greater Sage-grouse nesting and brood-rearing in PHMA.

Surface occupancy or use will be restricted to no more than an average of one disturbance location per 640 acres using the DDCT, and the cumulative value of all applicable surface disturbances, existing or future, must not exceed five (5) percent of the DDCT area, as described in the Density Disturbance Calculation Tool manual (DDCT) to protect Greater Sage-grouse designated PHMA from habitat fragmentation and loss.

No Surface Occupancy (NSO) within 0.6 mile radius of the perimeter of occupied Greater Sage-grouse leks inside designated PHMAs (Core) to protect occupied Greater Sage-grouse leks and associated habitat, life-history, or behavioral need of Greater Sage-grouse in proximity to leks from habitat fragmentation and loss and protect Greater Sage-grouse populations.

(g) Surface disturbance and disruptive activities are prohibited from February 1 through July 31 for the protection of nesting raptors.

(h) Surface disturbance and disruptive activities are prohibited from April 10 through July 10 for the protection of mountain plover.

(i) Surface disturbance and disruptive activities are prohibited from April 15 through September 31 for the protection of burrowing owls.

(j) To protect big game winter habitat, surface disturbing and disruptive activities will be prohibited from November 15 to April 30 within designated/mapped crucial winter range.

(k) Surface uses such as processing plants and tailings ponds which result in long-term loss of wildlife habitat may require the enhancement of habitat and habitat manipulation off-site (but within the lease boundary) as determined by the BLM Authorized Officer. Types of improvements will include, but are not limited to, seeding, prescribed burning, guzzler/water development, plantings, and fencing.

(l) Bureau Policy requires that special status plants (proposed threatened or endangered, state sensitive and Category 1 Candidates) and Species At Risk (former Category 2 Candidates), be provided a level of protection to prevent their status from becoming listed as Threatened or Endangered. Prior to authorizing proposed surface disturbance activities, the BLM shall assure that all Special Status Plants or their plant communities are not jeopardized from the

proposed action. In order to expedite approval of the construction activity it may be necessary for the lessee to contract with a qualified botanist to conduct a plant survey.

(m) All areas that pose hazards to livestock and wildlife species will be fenced. Such areas include plant sites, tailings ponds, containment ponds, primary and secondary sewage lagoons, etc. Fencing standards will be approved by the Authorized Officer.

(n) Tailings ponds and associated facilities will comply with the Migratory Bird Act.

(o) No surface occupancy within 1/4 mile, or visual horizon, of either side of significant portions of historic trails and associated sites for the purpose of protecting these historical values (actual distance varies with topography) unless authorized by the AO.

(p) Prior to undertaking any surface-disturbing activities on the lands covered by a lease or permit, the lessee or permittee, unless notified to the contrary by the AO, shall:

1. Contact the appropriate BLM office or the appropriate surface management agency where the surface of the lands are administered by such agency, through the BLM, to determine if a location-specific cultural resource survey/inventory is required.

2. If an inventory is required the lessee or permittee shall fund and engage the services of a qualified cultural resource specialist acceptable to the federal surface management agency to conduct an intensive inventory for evidence of cultural resource values. A report of such survey shall be approved by the AO of the surface management agency and the BLM.

3. Fund and implement mitigation measures required by the surface management agency to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, and salvage or other protective measures. Where impacts cannot be mitigated to the satisfaction of the surface management agency, surface occupancy on areas with significant cultural resource values could be prohibited.

4. The lessee or permittee shall immediately bring to the attention of the AO of the federal surface management agency or BLM any cultural resource or any other object of scientific interest discovered as a result of surface operations under this lease. No disturbance of such discoveries will be allowed until approved in writing by the AO. Failure to report discoveries could lead to civil and/or criminal penalties under Federal laws.

(q) Prior to construction the lessee or permittee shall contact the appropriate BLM office or appropriate surface management agency to determine if a site-specific paleontological resource/survey/inventory is required. If a survey is needed, the lessee or permittee will provide a qualified individual approved by the BLM to conduct the survey. If paleontological resources are discovered in the course of construction or excavation, the activity will cease and the BLM AO notified. The company will provide a qualified individual approved by the BLM to collect and remove the fossils.

- (r) Access other than casual use across public lands to the lease area will require authorization through either the issuance of a right-of-way (ROW) or an on-lease authorization.
- (s) Borrow areas or gravel pits on public land will require a permit from the managing agency (BLM or BOR).
- (t) No surface occupancy within one-half mile of either side of perennial streams and rivers for the purpose of protecting water quality. Exceptions may be authorized by the AO.
- (u) Any plant, mill, tailings pond, or sewage lagoon will be located at least one mile from existing perennial waters, unless otherwise authorized by the AO.
- (v) The operator shall avoid unnecessary and undue degradation of soils, vegetation, air, & water. Examples of this include: avoiding operations when the ground is excessively wet or muddy, constructing waterbars on linear rights-of-way in such a way as to prevent erosion, clearing vegetation only as it is necessary for safe operations and proper construction, avoiding construction on frozen soils, consolidating roads/powerlines/pipelines as practical so as to minimize surface disturbance, protecting and sealing underground waterflows & aquifers, reseeding disturbed areas that are not currently in use, using only native vegetative species for reseeding/reclamation, preventing leakage of tailings/evaporation ponds, complying with State, Federal and local laws concerning hazardous materials and air and water pollution, and garbage & waste disposal. Additional measures may be determined by the AO, as appropriate, after consultation with the operator.

The following table is provided to illustrate which of the above sodium lease renewal stipulations should be applied to the leases within the Kemmerer Field Office.

