

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAND JUNCTION FIELD OFFICE
2815 H Road
Grand Junction, Colorado 81506

FINDING OF NO SIGNIFICANT IMPACT

DOI-BLM-CO-130-2013-0029-EA

LOCATION

The access road, power line, and Disposal Facility is proposed in Mesa County, approximately 8 miles southeast of Whitewater, Colorado in the Juniata Mesa Colorado U.S. Geologic Survey (USGS) Quadrangle. Access to the Disposal Facility would begin on BLM-administered lands at the junction of U.S. Highway 50 and the existing DOE Access Road. The Disposal Facility would be located approximately 1.0 mile (5,110 feet) east of U.S. Highway 50 on private land.

The legal location for the proposed Indian Mesa Access Road and power line on BLM-administered lands is as follows:

Ute Meridian	T 3 S, R 2 E Section 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 10, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
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The legal location for the Disposal Facility on private land is as follows:

Ute Meridian	T 3 S, R 2 E Section 15, E $\frac{1}{2}$ NE $\frac{1}{4}$; Section 14, W $\frac{1}{2}$ NW $\frac{1}{4}$.
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PROJECT NAME: Indian Mesa Disposal Facility Access

APPLICANT: Alanco Energy Services, Inc. and Grand Valley Power

BACKGROUND

Alanco Energy Services, Inc. (AES) and Grand Valley Power (GVP) submitted applications for Rights-of-Ways (ROWs) for transportation and utility systems on federal lands (SF299s) to the Bureau of Land Management (BLM) Grand Junction Field Office (GJFO). The ROWs are requested for access and power to the proposed commercial Indian Mesa Disposal Facility (Disposal Facility) on 160 acres of private land located in Mesa County, Colorado. AES requests the following:

- a grant for 5,110-feet (30-foot-wide) of ROW (3.52 acres) on top of the existing U.S. Department of Energy – DOE Access Road (COC043106) to the existing DOE Cheney Site, a mill tailings disposal cell.
- a grant for 730 feet (60-foot-wide for 40 feet, 30-foot-wide for 690 feet) of ROW (0.53 acre) from the existing DOE Access Road to the proposed Disposal Facility – the Indian Mesa Access Road (varying widths of the right-of-way are necessary to accommodate widening of the access road for turning), for a total access road acreage of 4.05 acres. This access road is serialized as COC074173.
- a short-term ROW (0.17 acre) for 736 feet (5-foot-wide) on the west side of the Indian Mesa Access Road and 728 feet (5-foot-wide) on the east side of the Indian Mesa Access Road from the DOE Access Road to the proposed Disposal Facility. This short-term ROW will be serialized as COC074173-01.

GVP requests the following:

- a grant for 621 feet (20 feet wide) of ROW (0.29 acre) from the existing GVP power line right-of-way for the DOE Cheney Site to the proposed Disposal Facility. This ROW is an amendment to COC050800.

AES submitted a Plan of Development (POD) for the access ROWs to the BLM GJFO, which describes construction, reclamation, operation, maintenance, and abandonment of the Proposed Action.

AES applied for a Conditional Use Permit (CUP) from Mesa County and received approval of the CUP (Resolution No. MGM 2010-089, Planning Department No. 2010-0031CUP1) for development of a non-hazardous waste recycling facility that would accept oil and gas production fluids to be treated through evaporation, and accept and treat drilling sludge, sand, grease trap sludge, and other petroleum contaminated soils through land-farming. An amendment to the CUP was applied for and approved by Mesa County (Resolution No. B0CC 2014-17, Planning Department No. 2013-0112 CUP) to include a landfill in addition to land-farming for disposal of wastes from oil and gas exploration and production.

Under the National Environmental Policy Act (NEPA), the Disposal Facility is considered a non-federal connected action because it is proposed entirely on private lands. Because the NEPA process is focused on federal agency decision making (Code of Federal Regulations - CFR 1500.1(c), 40 CFR §1508.18, 40 CFR §1508.23), the consideration of a non-federal connected action is limited in the NEPA analysis. The non-federal action does not require development of a purpose and need; nor does it require consideration of alternatives.

An Environmental Assessment (EA) for the Project was prepared by the BLM GJFO.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the following NEPA document, I have determined that the Proposed Action is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively, with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40

CFR § 1508.27 and the Project is consistent with current land management planning for the Project Area under the Grand Junction Resource Management Plan (BLM 1987 as amended).

Environmental Assessment (DOI-BLM-CO-130-2013-0029-EA),
Alanco Energy Services, Inc. Indian Mesa Disposal Facility Access March 2015.

RATIONALE

This FONSI is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR § 1508.27), with regard to the context and the intensity of impacts described in the EA.

CONTEXT

This Project is a site-specific action directly involving rights-of way for access and power to the proposed commercial Indian Mesa Disposal Facility on private lands. The Disposal Facility would dispose of wastes from oil and gas production. The Project would be located in a region where oil and gas production and associated waste disposal have taken place for more than 50 years. Direct and indirect impacts related to Project-related construction would occur over a two-week period. The Disposal Facility is expected to operate for a minimum of 30 years.

INTENSITY

The following discussion is organized around the Ten Significance Criteria that are listed in 40 CFR § 1508.27 and incorporated into BLM's elements of the human environment list, supplemental Instruction Memoranda, and regulations. The following have been considered in evaluating intensity for this proposal:

1. Impacts that may be both beneficial and adverse.

Beneficial and adverse effects of the Project were described in the BLM EA. In addition to Project Design Features proposed by AES, the EA further developed Project-specific mitigating measures. Such additional mitigation measures included in the EA by the BLM would be implemented to reduce potential impacts to air quality, soils, hydrology and water quality, Invasive, non-native species, threatened and endangered animal and plant species, BLM-sensitive species, migratory birds, wildlife, cultural resources, paleontological resources, transportation and access, wastes, range management and land tenure, rights-of-way, and other uses.

None of the environmental effects discussed in the EA are considered significant.

2. The degree to which the proposed action affects public health and safety.

Potential risks to public health and safety might occur from increased traffic travelling to and from the Disposal Facility. Trucks delivering wastes would follow all posted speed limits. Impacts to public health and safety would be minimal.

3. Unique characteristics of the geographic area, such as project proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

Inventories were completed for area historic and cultural resources. (See also Item 8, below.) The following elements are not affected because they are not present in or near the Project Area: park lands, prime farmlands, and wild and scenic rivers. Ecologically critical areas are discussed below, in Item 9.

4. The degree to which effects on the quality of the human environment are likely to be highly controversial.

Continued access to oil and gas related facilities, including resultant effects, are not unique and would occur in an area where such activities have been taking place for many decades. Decisions regarding utilization of public lands for access roads have been and continue to be made in this region, by this Field Office. There is no scientific controversy over the nature of the potential impacts. Effects upon the quality of the human environment are anticipated to be low in intensity.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The Project is not unique or unusual in the area. There are other disposal facilities with BLM rights-of-ways in the region and BLM has rendered similar decisions on similar actions. The BLM has experience implementing and mitigating comparable actions in this and similar areas. Possible effects to the human environment are not predicted to be highly uncertain nor expected to involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

This decision is not precedent-setting. The Project was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual; no significant cumulative effects are predicted. This decision does not entail any known issues or elements that would create any precedent for future rights-of-ways. The decision does not represent a decision in principle about a future consideration. No documentation by an EIS is required.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The Project was considered in the context of past, present and reasonably foreseeable actions. Cumulative impacts are brought forward and analyzed in the EA. The action is not related to other actions with individually insignificant but cumulatively significant impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

Class III cultural resources inventories did not identify any NRHP-eligible sites. The degree to which the Project may adversely affect or cause loss or destruction of significant scientific, cultural, or historic resources is minimal.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined as critical under the Endangered Species Act of 1973.

The BLM submitted a Biological Assessment (BA) to the U.S. Fish and Wildlife Service (FWS) Western Colorado Ecological Services Field Office requesting formal ESA consultation for the Proposed Action. The BA describes expected effects to ESA-listed species (three Colorado River Fishes and their critical habitat and Colorado hookless cactus). Site-specific minimization measures are included in the BA to avoid or minimize direct, indirect, and cumulative impacts to the ESA-listed species.

On March 9, 2015, the FWS issued a Biological Opinion stating that although the Project is likely to adversely affect the Colorado hookless cactus and its habitat, the Proposed Action and conservation measures will avoid the likelihood of jeopardy to the species. The FWS concurred with BLM's finding of may affect, not likely to adversely affect the Colorado pikeminnow, razorback sucker, and bonytail chub, and for critical habitat of the pikeminnow and razorback sucker. The conservation measures are included as Conditions of Approval in the EA. Implementation of the Proposed Action requires that construction be in accordance with the conservation measures set forth in the Biological Opinion.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

To the best of my knowledge, the Project does not violate or threaten violation of any federal, state, local, or tribal law or requirement imposed for the protection of the environment. State, local and tribal interests were given the opportunity to participate in the environmental process.

DETERMINATION

My determination of this Finding of No Significant Impact is based upon the information contained in Environmental Assessment DOI-BLM-CO-130-2013-0029-EA and upon my consideration of criteria for significance (40 CFR §1508.27). The environmental effects anticipated, and their analysis in the EA, are based on current science, professional judgment and experience of the GJFO Interdisciplinary Team and other Field Office staff. Based on the information in the EA, it is my determination that: 1) the Proposed Action Alternative would not have significant environmental impacts; 2) the Proposed Action Alternative is in conformance with the Grand Junction Resource Management Plan; and 3) the Proposed Action Alternative does not constitute a major federal action having significant effect on the human environment. Therefore, an EIS is not required.

Approved:

for 

Wayne Werkmeister
Acting Field Manager
Grand Junction Field Office

3/10/2015

Date