

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

**Decision Record**

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

CASE FILE/PROJECT NUMBER: COC043106, COC074173, COC074173-01, and COC050800.

LOCATION: The legal description (federal 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 $\frac{1}{4}$ .

PROJECT NAME: Indian Mesa Disposal Facility Access

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

INTRODUCTION: 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.

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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.

DECISION: It is my decision to approve the Proposed Action as described in DOI-BLM-CO-130-2013-0029-EA, including Project Design Features included in the proposal and in the BLM-Protection/Mitigation Measures developed as part of the Environmental Assessment (Exhibit 1).

#### ALTERNATIVES CONSIDERED BUT NOT SELECTED

The only alternative considered in addition to the Proposed Action is the No Action Alternative.

RATIONALE: The Environmental Assessment has concluded that there will be no significant negative impacts.

On March 9, 2015, the U.S. Fish and Wildlife Service (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.

No National Register of Historic Places eligible sites would be impacted by the Proposed Action.

Approval of this action will be consistent with BLM management goals and prescriptions for the area. Any approvals will include the Site-Specific Conditions of Approval developed during this EA. All Conditions of Approval are consistent with the BLM land use plan.

MITIGATION MEASURES: The Project-Specific Conditions of Approval are included as Exhibit 1.

MONITORING: AES would monitor the effectiveness of site restoration on BLM-administered lands annually, including presence of noxious weeds until restoration is considered successful by the BLM ecologist. An annual monitoring report would be submitted each year to the BLM AO.

Colorado hookless cactus plants documented on BLM-administered lands within 50 meters (164 feet) of proposed disturbance for the Disposal Facility on private lands would be included in a long-term monitoring study to compare an in situ sub-population of cactus to the transplanted cacti.

- Plants should be photographed and tagged prior to ground-disturbing activities.
- Plant width and height should be measured along with the number of blooms and tubercles.
- Plant status and health should be described, including presence of weed species, if any.
- A monitoring report should be submitted to BLM GJFO and FWS after each annual survey.

BLM recommends monitoring of the transplanted Colorado hookless cactus plants. Monitoring should occur annually for the first 10 years, and then at an established interval for the remaining years. Monitoring should include measurements of width and height, and tubercle and bloom counts.

COMPLIANCE WITH MAJOR LAWS: This Decision complies with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act, Clean Water Act, Clean Air Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, and the National Historic Preservation Act.

PUBLIC INVOLVEMENT: Scoping is the process by which the BLM solicits internal and external input on the issues, impacts, and potential alternatives that will be addressed, along with the extent to which those issues and impacts will be analyzed in a NEPA document. Internal scoping is the use of BLM and cooperating agency staff to help determine what needs to be analyzed in a NEPA document. External scoping involves notification and opportunities for feedback from other agencies, organizations, tribes, local governments, and the public. NEPA regulations (40 CFR §1500-1508) do not require external scoping for an EA, and the BLM decided to internally scope the Proposed Action. The Project was reviewed by resource specialists in August 2014, and posted to the GJFO website under internal scoping.

FINDING OF NO SIGNIFICANT IMPACT: A Finding of No Significant Impact (FONSI) was prepared, based on the information contained in the EA and on my consideration of criteria for significance (40 CFR 1508.27). Based on the EA, it is my determination that: 1) the implementation of the Proposed Action Alternative will 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. No EIS is necessary.

APPEAL PROCEDURES: Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

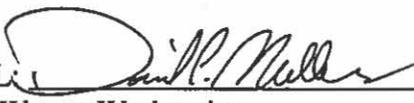
Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CRF Part 4.

DOCUMENT PREPARER: Janet Doll

ENVIRONMENTAL COORDINATOR: Christina Stark

3/18/15

SIGNATURE OF AUTHORIZED OFFICIAL:

  
for Wayne Werkmeister  
Acting Field Manager  
BLM, Grand Junction Field Office

**Exhibit 1**

**Site-Specific Conditions of Approval**