

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P O Box 68
Kremmling, CO 80459**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-LLCON02000-2013-0025-CX

A. Background

CASEFILE/PROJECT NUMBER: COC-54211

PROJECT NAME: Praxair, Inc. Carbon Dioxide Plant

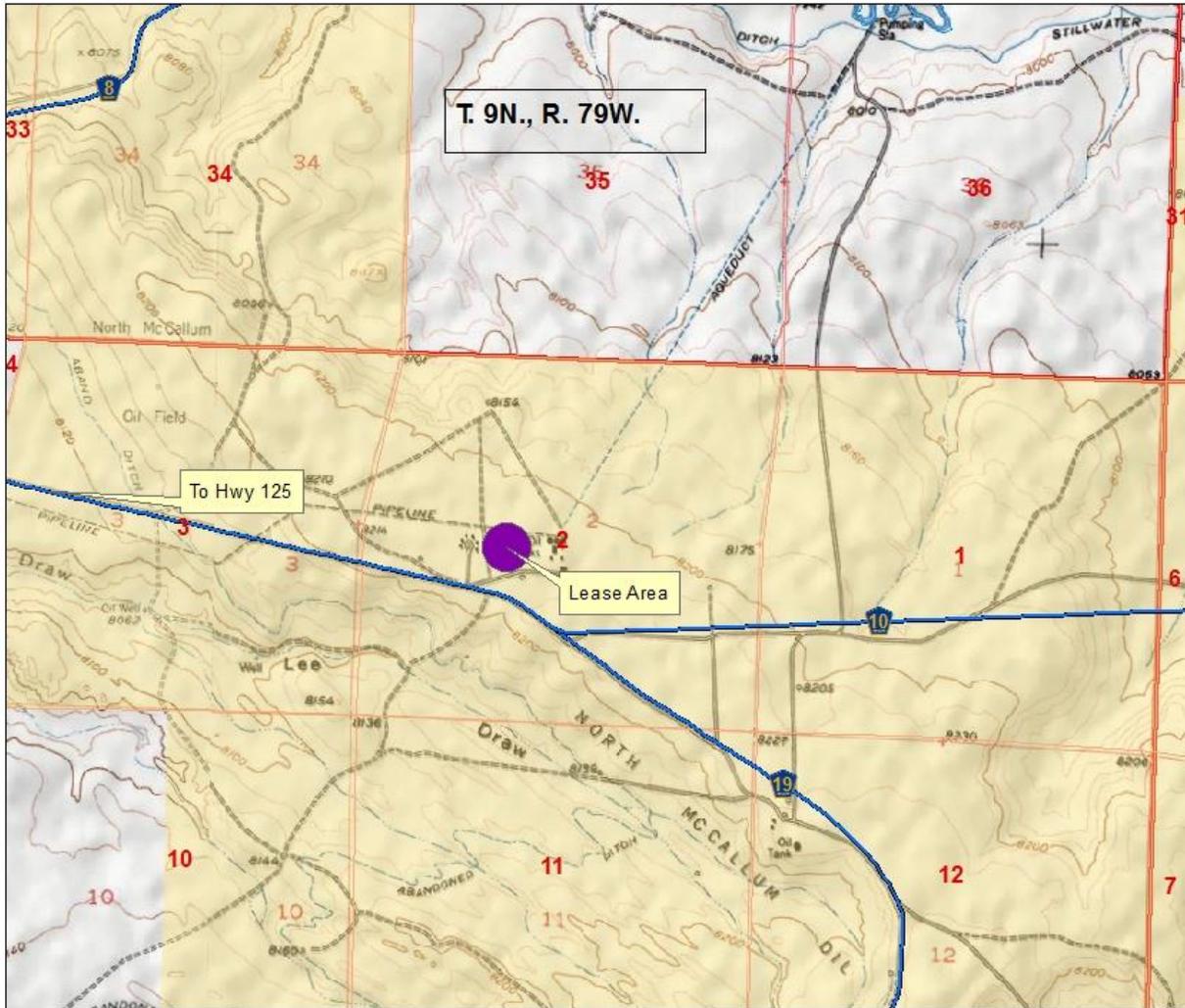
LEGAL DESCRIPTION: T. 9N., R. 79W., Section 2: NESW, 6th P.M.

APPLICANT: Praxair, Inc.

DESCRIPTION OF PROPOSED ACTION: Praxair Inc. was issued a Commercial Occupancy Lease on October 23, 1992, which expires October 22, 2013. Praxair Inc. has applied for a renewal of this lease for a carbon dioxide plant, processing plant, storage tanks, pipelines, storage facilities, dry ice plant, parking areas, roads and sewage facilities. This lease would be issued for thirty years. The lease encompasses 8.43 acres. No new ground disturbance would occur.

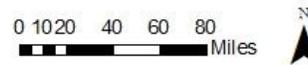


Praxair Inc. CO2 Plant Lease COC-54211



Legend

- County Roads
- Major Streams
- Land Status**
- Bureau of Land Mgt
- Division of Wildlife
- National Park
- US Forest Service
- National Wildlife Refuge
- Private
- State
- State Forest



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Annie Sperandib, 5-6-2013
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PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: the Kremmling Resource Management Plan (RMP), Record of Decision

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Page 12

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion 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.

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 either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse		X

Extraordinary Circumstance	YES	NO
effects on designated Critical Habitat for these species.		
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 Kremmling Field Office interdisciplinary team on 6/25/2013. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Bill Wyatt	Archaeologist	Cultural Resources, Native American Tribal Consultation	6/10/2013
Megan McGuire	Wildlife Biologist	Special Status Plant/Wildlife Species	6/24/2013

REMARKS: None

MITIGATION: None

COMPLIANCE PLAN: On-going compliance inspections and monitoring would be conducted by the BLM Kremmling Field Office staff during and after construction. The operator would be notified of compliance related issues in writing, and depending on the nature of the issue(s), would be provided 30 days to resolve such issues.

NAME OF PREPARER: Annie Sperandio

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

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, E(9). 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.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel
Associate Field Manager

DATE SIGNED: 6/25/13

ATTACHMENTS: Stipulations, seed mix

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P O Box 68
Kremmling, CO 80459**

DECISION RECORD

PROJECT NAME: Praxair, Inc. Carbon Dioxide Plant

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-LLCON02000-2013-0025-CX

DECISION

It is my decision to implement the Proposed Action in DOI-BLM-LLCON02000-2013-0025-CX, authorizing the renewal of the lease to Praxair Inc., COC-54211, for a carbon dioxide plant.

Mitigation Measures: None

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the December 19, 1984; Updated February 1999 Kremmling Resource Management Plan (RMP).

PUBLIC INVOLVEMENT : The CX will be available for a formal 30-day public comment period when posted on the Kremmling Field Office's internet website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(9). 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.

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, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's Kremmling Field Office internet website.

SIGNATURE OF AUTHORIZED OFFICIAL: ___/s/ Susan Cassel_____
Associate Field Manager

DATE SIGNED: 6/25/13

STIPULATIONS
FOR
Praxair Inc.
COC-54211
Carbon Dioxide Plant

The lessee agrees to:

- (a) Observe all Federal, state and County, and other laws, regulations and ordinances which are applicable to construction, operation and maintenance on the premises.
- (b) Not proceed with any new development, other than that proposed in this lease, without prior written approval. Modifications or additions to the grounds and facilities as they exist on the effective date of this lease may be made only upon approval of the authorized officer. Any construction or development shall conform to local, state, and Federal regulations.
- (c) Not use the public lands for any purposes other than those specified in the lease without the approval of the authorized officer.
- (d) Not assign the lease without prior approval of the authorized officer.
- (e) Conduct all activities associated with construction, operation, maintenance, and termination of the lease within the authorized limits of the lease.
- (f) 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 lessee 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.
- (g) The lessee shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The lessee is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the lease stipulations).
- (h) The lessee shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the lessee 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 lease. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the

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.

(i) If during any phase of the construction, operation, or termination of the facilities any oil or other pollutant should be discharged from the system, or from containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the lessee, regardless of fault. Upon failure of lessee to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the lessee. Such action by the authorized officer shall not relieve the lessee of any liability or responsibility.

(j) The lessee shall recontour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the lease.

(k) The lessee shall uniformly spread topsoil over all disturbed areas (outside the ditch line, fence line, work area). Spreading shall not be done when the ground or topsoil is frozen or wet.

(l) The lessee shall prepare a seedbed by (scarifying the disturbed area) (distributing topsoil uniformly) (disking the topsoil) as directed by the authorized officer.

(m) The lessee shall mulch disturbed areas designated by the authorized officer. The type of mulch shall meet one of the following requirements:

(a) Straw used for mulching shall be from oats, wheat, rye, or other approved grain crops, and free from noxious weeds or other objectionable material as determined by the authorized officer. Straw mulch shall be suitable for placing with mulchblower equipment.

(b) Hay shall be of approved herbaceous mowings, free from noxious weed or other objectionable material as determined by the authorized officer. Hay shall be suitable for placing with mulch blower equipment.

(c) Wood cellulose fiber shall be natural or cooked wood cellulose fiber, shall disperse readily in water, and shall be nontoxic. The homogeneous slurry or mixture shall be capable of application with power spray equipment. A colored dye that is noninjurious to plant growth may be used when specified. Wood cellulose fiber shall be packaged in new, labeled containers.

(n) The lessee shall seed all disturbed areas with the seed mixture(s) determined by the authorized officer. The seed mixture(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The lessee shall take appropriate measures to ensure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of ten days prior to seeding of the project.

Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

(o) The lessee is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

The lessee shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The lessee shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the lessee shall bear the cost of the services of a non- Federal professional.

Within five working days the Authorized Officer will inform the lessee as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the lessee will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the lessee wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the lessee will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the lessee will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, that are related to the authorizations activities, will be mitigated at the lessee's cost.

Stipulations that specifically apply to known cultural, paleontological, antiquities and objects of scientific interest are attached.

SUGGESTED SEED MIX* FOR RECLAMATION

Western Wheatgrass	Pascopyrum smithii	6.0 lbs PLS**/acre
Bluebunch Wheatgrass	Pseudoroegneria spicata	6.0 lbs PLS/acre
Slender Wheatgrass	Elymus trachycaulus ssp: trachycaulus	6.0 lbs PLS/acre
Canby bluegrass	Poa canbyii	2.0lbs PLS/acre
Indian ricegrass	Achnatherum hymenoides	<u>4.0 lbs PLS/acre</u>
	TOTAL	24.0 lbs PLS/acre

Seeding rates are for broadcast seeding. If drilled, seeding rates may be halved.

*All seed must be certified weed free

**PLS = pure live seed