

U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625

## DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-N010-2012-0061-DNA

CASEFILE/PROJECT NUMBER: COC74447

PROJECT NAME: Williams Fork Land Company Exploration Plan Modification

LEGAL DESCRIPTION: T.5N., R.89W., sec. 5, 6, & 7. T.5N., R.90W., sec 1, 2, 3, 4, 11, 12.  
T.6N., R.90W., sec 33, 34, 35, 36.

APPLICANT: Williams Fork Land Company (WFLC)

- A. **Describe the Proposed Action:** WFLC has an authorized coal exploration license, COC74447. WFLC would like to modify its approved exploration plan by adding 14 new drill hole locations within the approved exploration license boundary. The surface of the drill hole locations is privately owned, the coal is federal mineral estate. Drill holes will be plugged following logging. Drill sites will be reclaimed. Roads to 6 of the drill sites will be constructed with a D4 dozer to a 12 ft. width for access by the drill rig and support vehicles.

### **B. Land Use Plan (LUP) Conformance**

LUP Name: Little Snake Record of Decision and Resource Management Plan

Date Approved: October 2011

- Draft RMP/EIS January 2007
- Final RMP/EIS August 2010

### **C. Identify applicable NEPA documents and other related documents that cover the proposed action.**

DOI-BLM-CO-N010-2010-0092-EA

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997.

Green River Hams Fork EIS, February 1980

Energy Policy Act, 2005

Minerals Leasing Act, 1920, as amended

**D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?**

Yes; the exploration license modification is within the boundary of the exploration license that was analyzed in the Environmental Assessment DOI-BLM-CO-N010-2010-0092 and the area analyzed in the Green River Hams Fork EIS, and in the coal planning region of the Final RMP/EIS, August 2010.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?**

Yes; the range of alternatives analyzed in the NEPA documents is still appropriate for the current proposed action. The current environmental concerns, interests, and resource values are essentially the same as those in 2010. No new alternatives have been proposed by the public to address current or additional issues or concerns.

**3. Is the existing analysis valid in light of any new information or circumstances?**

Yes. The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

The previous analysis remains valid. No new threatened or endangered plant or animal species have been identified within the exploration license boundary. Data reaffirms that the RMP identified all resource concerns for this exploration license.

The proposed project areas were analyzed for lands with wilderness characteristics under WO-IM 2011-154, *Requirement to Conduct and Maintain Inventory Information for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans*. Based on this analysis, no proposed project areas are subject to WO-IM 2011-154.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the Proposed Action. Impacts to all resources were analyzed.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?**

Yes; direct and indirect impacts of the current proposed action are substantially unchanged from those in the existing NEPA documents. The existing NEPA document analyzed site-specific impacts. Class III Cultural Resource Inventories have been completed on a portion of the proposed drill locations.

**6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?**

Yes. The cumulative impacts that would result from implementation of the Proposed Action would remain unchanged from those identified in the existing NEPA documents. No additional activities have been implemented that would change the impacts resulting from the Proposed Action.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes. Public outreach through scoping and involvement of the public and other agencies occurred during the development of the RMP/EIS. Public involvement for the Environmental Assessment DOI-BLM-CO-N010-2010-0092 also occurred through the Little Snake Field Office NEPA log and through a Federal Register Notice and newspaper notices.

**E. Interdisciplinary Analysis:** Identify ID team conducting or participating in the preparation of this worksheet.

<b>Title</b>	<b>Resource Represented</b>	<b>Date</b>
Ecologist	Air Quality, Floodplains, Prime/Unique Farmlands, Surface Water Quality, Upland Soils, Wetlands/Riparian Zones	6/13/12
Archaeologist	Cultural Resources, Native American Concerns	6/21/12
Realty Specialist	Environmental Justice	6/13/12
Natural Resource Specialist	Hazardous Wastes	6/13/12
Rangeland Management Specialist	Invasive Non-native Species	6/13/12
Rangeland Management Specialist	Sensitive Plants, T&E Plant	6/13/12
Wildlife Biologist	T&E Animal	6/14/12
Petroleum Geologist	Ground Water Quality	6/13/12
Outdoor Recreation Specialist	WSA, W&S Rivers, Lands with Wilderness Characteristics	6/15/12

**STANDARDS:**

<b>Title</b>	<b>Standard</b>	<b>Date</b>
Wildlife Biologist	Animal Communities	6/14/12
Wildlife Biologist	Special Status, T&E Animal	6/14/12
Rangeland Management Specialist	Plant Communities	6/13/12
Rangeland Management Specialist	Special Status, T&E Plant	6/13/12
Ecologist	Riparian Systems	6/13/12
Ecologist	Water Quality	6/13/12
Ecologist	Upland Soils	6/13/12

Comments:

## **CULTURAL RESOURCES**

**Affected Environment:** The issuance of an exploration license on split estate with federally managed coal minerals and private surface ownership is considered an undertaking under Section 106 of the National Historic Preservation Act.

BLM has the legal responsibility to take into account the effects of its actions on cultural resources located on federal land or lands impacted by federal actions. BLM Manual 8100 Series, the Colorado State Protocol and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on how to accomplish Section 106 requirements with the appropriate cultural resource standards. Section 106 of NHPA requires federal agencies to: 1) inventory cultural resources to be affected by federal undertakings, 2) evaluate the importance of cultural resources by determining their eligibility to the National Register of Historic Places (National Register), and 3) consult with the federal and state preservation agencies regarding inventory results, National Register eligibility determinations, and proposed methods to avoid or mitigate impact to eligible sites. Within the state of Colorado, BLM's NHPA obligations are carried out under a Programmatic Agreement between BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). If the undertaking is determined to have “no effect” or “no adverse effect” by the BLM Little Snake Field Office archaeologist then it may proceed under the terms of the Programmatic Agreement. If the undertaking is determined to have “adverse effects” then consultation is initiated with the SHPO.

The prehistoric and historic cultural context for northwestern Colorado has been described in several recent regional contexts. Reed and Metcalf’s (1999) context for the Northern Colorado River Basin is applicable for the prehistoric context and historical contexts include overviews compiled by Frederic J. Athearn (1982) and Michael B. Husband (1984). A historical archaeology context has also been prepared for the state of Colorado by Church and others (2007). In addition, significant cultural resources administered by the BLM-LSFO have been discussed in a Class 1 overview (McDonald and Metcalf 2006) and valuable contextual information is available in a synthesis report of archaeological investigations for a series of large pipelines in the area (Reed and Metcalf 2009).

**Environmental Consequences, Proposed Action:** Cultural resources evaluated as eligible for the National Register can be directly or indirectly adversely impacted by surface disturbing activities and or the construction/modification of a building, structure, facility, or infrastructure. The proposed action also has the potential to detract from the integrity of any eligible cultural resources within the view-shed. Indirect adverse impacts to eligible cultural resources include but are not limited to collection of artifacts/cultural material, inadvertent trespass damaging integrity of cultural resources, and damage to the environmental setting.

The proposed undertaking has undergone a cultural resource study:

Conner, Carl. E, Curtis Martin, and Barbara Davenport

2012 *Class III Cultural Resource Inventory Report For The Williams Fork Mountains Exploration Project Phase IV (20 Proposed Drill Holes and Associated Linear Routes), in Moffat and Routt Counties, Colorado for Trapper Mining, Inc.* BLM LSFO #11.3.2012. OAH# MC.LM.R652. Grand River Institute. Grand Junction, CO.

This study did not identify any archaeological or historical sites eligible for the National Register within the area of potential effect for the proposed undertaking. The proposed undertaking will have no effect on historic properties. It may proceed as described with the following standard mitigative measures in place.

#### **Mitigative Measures:**

1. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or federal land shall be immediately reported to the authorized officer. 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 will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
2. The operator is responsible for informing all persons who are associated with the 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 encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:
  - Whether the materials appear eligible for the National Register of Historic Places;
  - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
  - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and 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), you 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. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

### **References**

Athearn, Frederic J.

1982 *An Isolated Empire: A History of Northwest Colorado*. Bureau of Land Management-Colorado. Cultural Resource Series No. 2, Second Edition. Denver.

Church, Minette C., Steven G. Baker, Bonnie J. Clark, Richard f. Carrillo, Jonathan C. Horn, Carl D. Spath, David R. Guilfoyle, and E. Steve Cassells

2007 *Colorado History: A Context for Historical Archaeology*. Colorado Council of Professional Archaeologists, Denver.

Husband, Michael B.

1984 *Plateau Country Historic Context*. Office of Archaeology and Historic Preservation, State Historic Preservation Office, Denver.

McDonald Kae and Michael Metcalf

2006 *Regional Class I Overview of Cultural Resources for the BLM Little Snake Field Office*. Metcalf Archaeological Consultants, Inc. Eagle, Colorado.

Reed, Alan D. and Michael Metcalf

1999 *Colorado Prehistory: A Context for the Northern Colorado River Basin*. Colorado Council of Professional Archaeologists, Denver, Colorado.

2009 *Synthesis of Archaeological Data Compiled for The Piceance Basin Expansion, Rockies Express Pipeline, and Uinta Basin Lateral Projects Moffat and Rio Blanco Counties, Colorado and Sweetwater County, Wyoming*. Alpine Archaeological Consultants, Inc. and Metcalf Archaeological Consultants.

### **NATIVE AMERICAN RELIGIOUS CONCERNS**

**Affected Environment:** Four Native American tribes have cultural and historical ties to lands have administered by the BLM LSFO. These tribes include the Eastern Shoshone Tribe, Ute Mountain Ute Tribe, Uinta and Ouray Agency Ute Indian Tribe, and the Southern Ute Indian Tribe.

American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act, the Native American Graves

Environmental Assessment Protection and Repatriation Act, and Executive Order 13007 ( Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and Archaeological Resources Protection Act, that the Federal Government carefully and proactively take into consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In some cases elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation.

Consultation for the type of proposed undertaking is consulted on annually with the tribes. Letters were sent to the tribes in the spring of 2012 describing general mineral exploration within BLM-LSFO. No comments were received. Specific exploration permits are generally not consulted with the tribes unless they rise to a level that warrants specific consultation. The location of any specific mineral exploration has not likely undergone an evaluation regarding the presence of items, sites, or landscapes which may be significant to the tribes.

**Environmental Consequences-Proposed Action:** Items, sites, or landscapes determined to be culturally significant to the tribes can be directly or indirectly adversely impacted by recreational activities. Direct impacts could include but are not limited to physical damage, removal of objects or items, and activities thought to be disrespectful (installation of port-a-potties near a sacred site). Indirect impacts include but are not limited to prevention of access (hindering the performance of traditional ceremonies and rituals), increased visitation of a previously little used area, and loss of integrity related to religious feelings and associations.

There are no known items, sites, or landscapes determined to be culturally significant to the tribes near the undertaking. The proposed action does not prevent access to any known sacred sites, prevent the possession of sacred objects, or interfere or otherwise hinder the performance of traditional ceremonies and rituals.

**Mitigation Measures-Proposed Action:** There are no known adverse impacts to any items, sites, or landscapes determined to be culturally significant to the tribes. If new information is provided by Native Americans, additional or edited terms and conditions for mitigation may have to be negotiated or enforced to protect resource values.

### **Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable

land use plan and that the NEPA documentation fully covers the proposed action and constitutes

BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist \_\_\_\_\_

Date \_\_\_\_\_

Signature of NEPA Coordinator \_\_\_\_\_

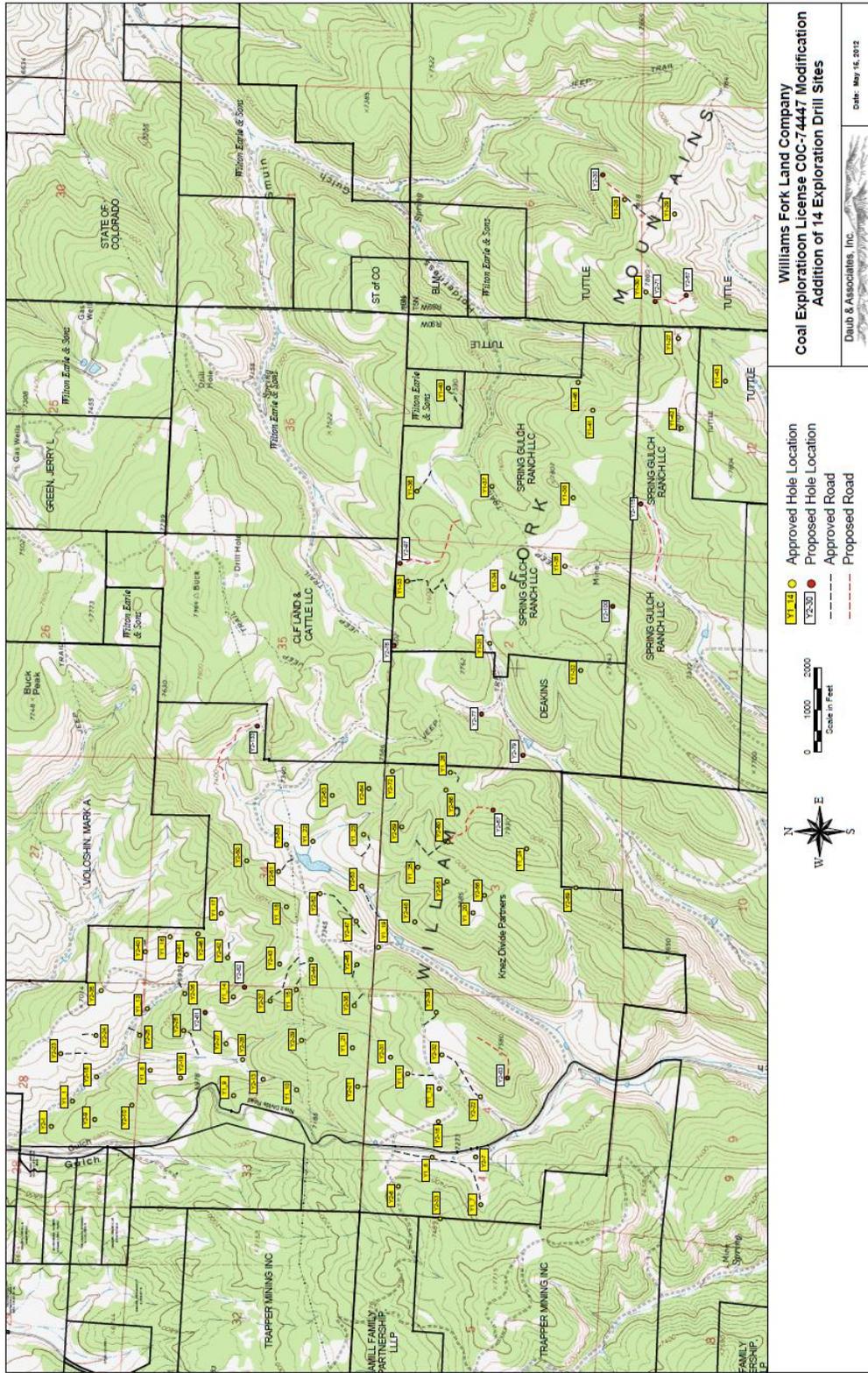
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Signature of the Authorizing Official \_\_\_\_\_

Date \_\_\_\_\_

Wendy Reynolds, Field Manager

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.



DRILL HOLE LOCATION MAP