

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2011-0054-DNA

CASEFILE/PROJECT NUMBER: COC69169

PROJECT NAME: American Shale Oil RDD TM Pad Expansion COC69169

LEGAL DESCRIPTION: Sixth Principal Meridian
T.2 S., R. 98 W., 6th PM
Sec. 21, E½SW, W½SE

APPLICANT: American Shale Oil, LLC

ISSUES AND CONCERNS: None.

DESCRIPTION OF PROPOSED ACTION:

Background/Introduction: In January 2007, EGL Resources received the Oil Shale Research, Development and Demonstration (R,D&D) Lease COC69169. Since that time, ownership of the R,D&D lease has changed from EGL to American Shale Oil, LLC (AMSO). In 2008 AMSO received approval of their prospecting operations to drill geo-hydro wells located on three well pads: Test Pad, HB Pad, and MWP-2. Also approved in 2008 was the “Addendum to the Plan of Operations for Oil Shale Research, Development and Demonstration (R,D&D) Tract COC-69169” to include retorting oil shale zones below the nahcolitic and aquifers zones of Green River Formation. In 2009, AMSO amended their prospecting operations to include a tomography well pad: TM Pad. Terms of the lease require the operator to submit a detailed Plan of Development (POD) for approval. AMSO submitted “Plan of Development for Oil Shale Research, Development and Demonstration (R,D&D) Tract Oil Shale Lease COC69169”, which BLM approved September 3, 2009.

Proposed Action: The AMSO drilling contractor requires an extension on the northwest and northeast sides of the TM Pad to accommodate the necessary drilling and monitoring equipment for development of the project (see attached maps). Approximately 1.2 additional acres will be outside of the currently identified area of disturbance. Total disturbance for the project is less than 13 acres and remains below the estimated 36 acres of disturbance of the original Plan of Operations.

All applicable stipulations of “Section 25. Special Stipulations” of Oil Shale Research, Development and Demonstration (R,D&D) Lease COC69169 apply to the proposed modifications.

LAND USE PLAN (LUP) CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

X The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s): Minerals, Oil Shale page 2-6

Decision Language: “...At the discretion of the Secretary of the Interior, research scale lease tracts will be considered within lands available for oil shale leasing. Approval of research tracts will be based on the merits of the technology proposed.”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: July 1, 1997

Name of Document: CO-110-06-118-EA,
EGL Resources Oil Shale Research, Development and
Demonstration (R,D&D) Tract Environmental Assessment

Date Approved: 11/09/2006

Name of Document: CO-110-2008-204-DNA
EGL (AMSO) RD&D Prospecting Permit

Date Approved: 09/17/2008

Name of Document: DOI-BLM-CO-110-2009-0123-DNA
AMSO Oil Shale RDD Prospecting Permit Revision

Date Approved: 04/09/09

Name of Document: DOI-BLM-CO-110-2009-0177-DNA
AMSO Oil Shale RDD Prospecting Permit Revision

Date Approved: 08/27/09

Name of Document: DOI-BLM-CO-110-20010-0260-DNA
American Shale Oil RDD Pad Expansion for Drill Rig

Date Approved: 10/29/10

List by name and date any other documentation relevant to the Proposed Action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Name of Document: U. S. Fish and Wildlife Service (USFWS) Biological Opinion
ES/GJ-6-CO-94-F017

Date Approved: 09/12/2006

NEPA ADEQUACY CRITERIA:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes, the proposed action increases the current disturbed surface acreage from 11.4 acres to less than 13 acres. This increased acreage remains below the 36 acres of surface disturbance analyzed in CO-110-06-118-EA.

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

Documentation of answer and explanation: Yes, CO-110-06-118-EA has a sub-alternative, a no action alternative, and two alternatives considered but not analyzed in detailed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: Yes, CO-110-06-118-EA was approved 11/09/2006 and since then no new studies or resource assessments have been undertaken that changes the validity of the analysis.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes CO-110-06-118-EA analyzed shale oil recovery using the CCR technology and more surface area disturbance as part of the proposed action. Therefore the proposed action does not alter what is analyzed in the EA and the cumulative impacts associated with the proposed action remain the same.

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

Documentation of answer and explanation: Yes, collaboration and public involvement for the Oil Shale R,D&D projects included:

- a. Public open houses in four communities - Rangely, Meeker, Rifle, and Grand Junction;
- b. Endangered Species Act Section 7 consultation with the US Fish and Wildlife;
- c. Tribal notification;
- d. 30-day public review period on the EA (August 15 through September 18, 2006)
- e. Monthly coordination meetings in the BLM Colorado State Office with state and federal agencies on the progress of the R,D&D effort.

INTERDISCIPLINARY REVIEW: Identify those team members conducting or participating in the NEPA analysis and preparation of this work sheet (by name and title).

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on 02/01/2011. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: The area of the proposed pad expansion was inventoried at the Class III (100% pedestrian) level before the original lease was issued (Greenberg 2006, Compliance Dated 5/12/2006) and recently for a large 3D geophysical project (Schwender et al. 2008, Compliance Dated 2/11/2009). Neither inventory effort identified any surface cultural remains in the area. There should be no new impacts to any known cultural resources due to the pad expansion. (MRS 2/1/2011)

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 2/1/2011)

Paleontological Resources: The proposed pad expansion is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM, WRFO has classified as a PFYC 5 formation meaning it is known to produce scientifically noteworthy fossils (Armstrong and Wolny 1989). If it becomes necessary to excavate into the underlying rock formation, exclusive of the bore holes, there is a potential to impact scientifically noteworthy fossils.

Threatened and Endangered Wildlife Species: All wildlife issues were adequately addressed in the original environmental assessment (CO-110-06-118-EA). There are no additional wildlife-related issues or concerns associated with the proposed action. (LRB 02/04/11)

Threatened and Endangered Plant Species: Potential impacts to Threatened and Endangered plant species were adequately analyzed in Environmental Assessment CO-110-2006-118-EA. There are no additional impacts or concerns related to special status plant species associated with this proposed action. (TT 2/11/2011)

REFERENCES CITED

Armstrong, Harley J. and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: a Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Greenberg, Marc E.

2006 A Class III Cultural Resource Inventory of the Proposed EGL Shale Development Tract, Rio Blanco County, Colorado. Cultural Resource Analysts, Inc., Longmont, Colorado. 06-162-01

Schwendler, Rebecca, Sarah Baer, Karen Reed, Scott Phillips, Scott Slessman, Matthew Bandy, Nicole Kromarck, Scott Bowen, Max Wolk, Caryn M. Berg, Paul Burnett, Tom Witt, Sean Doyle, Michelle Delmas, Michael Cregger, John Kennedy, Judy Cooper, Zonna Barnes, Amanda Cohen, Cynthia Manseau, Michael Retter, Dan Shosky and Erin Salisbery.

2008 A Class III Cultural Resource Inventory for the Ryan Gulch 3-D Geophysical Exploration Project, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broom Field, Colorado. 09-127-01

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. If it should become necessary to excavate into the underlying rock formation to level the well pad for further drilling purposes a paleontological monitor shall be required for all such excavation.

COMPLIANCE PLAN: “Plan of Development for Oil Shale Research, Development and Demonstration (R,D&D) Tract Oil Shale Lease COC69169”

NAME OF PREPARER: Paul Daggett

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 2/18/2011

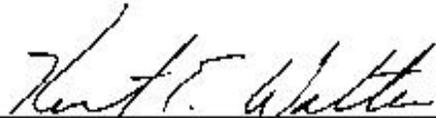
ATTACHMENTS: Location Maps(2)

CONCLUSION

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Based on the review documented above, I conclude that this proposal in consort with the applied mitigation conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL:



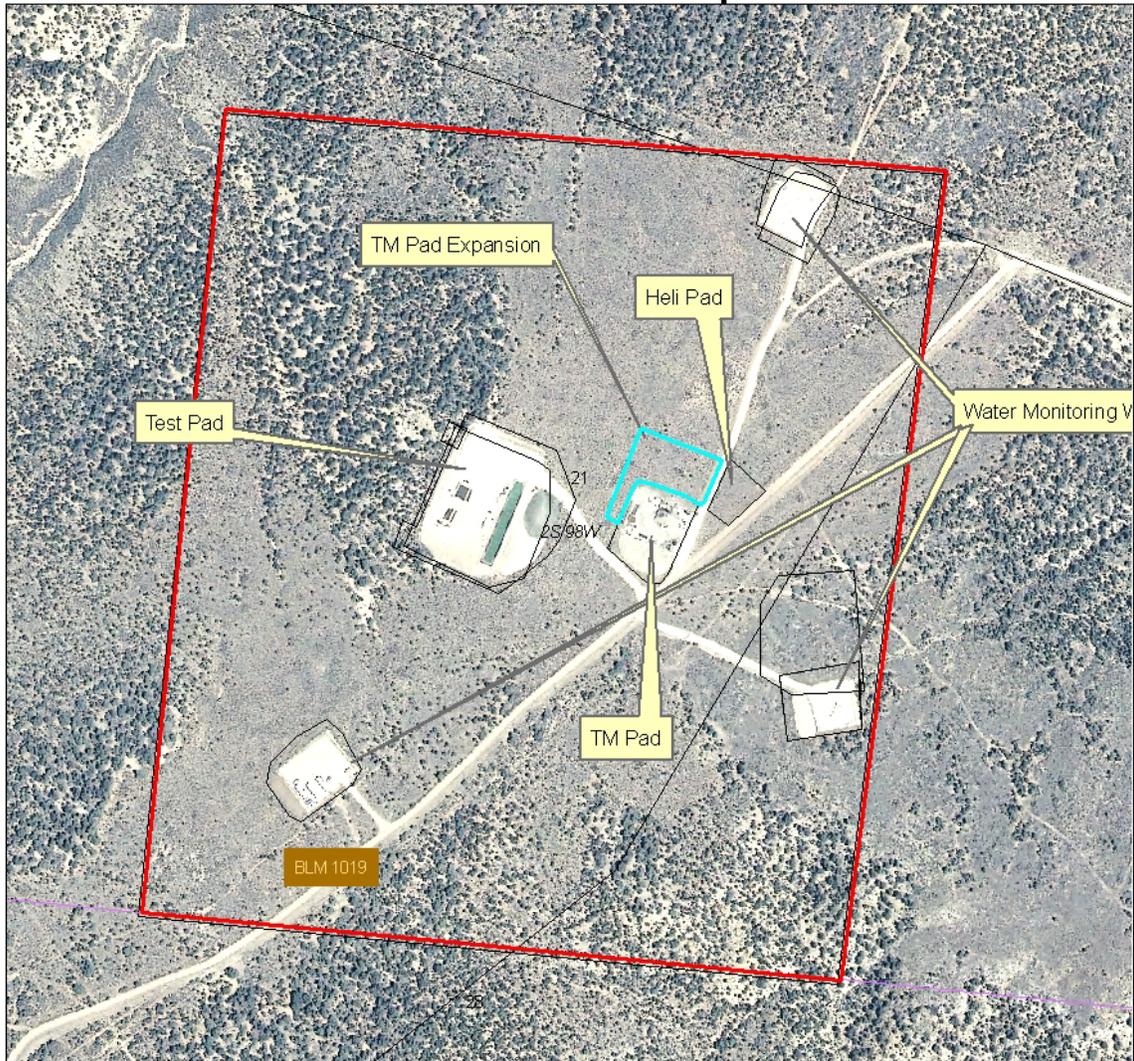
Field Manager

DATE SIGNED:

02/18/11

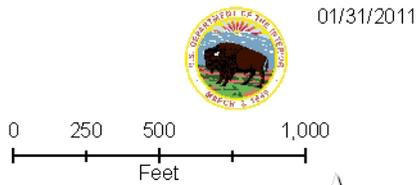
Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

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American Shale Oil RDD TM Pad Expansion COC69169



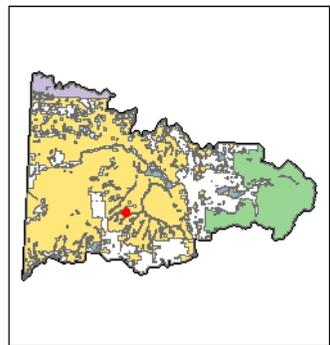
T 2 S, R 98 W, 6 th PM
Section 21, E2SW, W2SE

RDD Lease COC69169

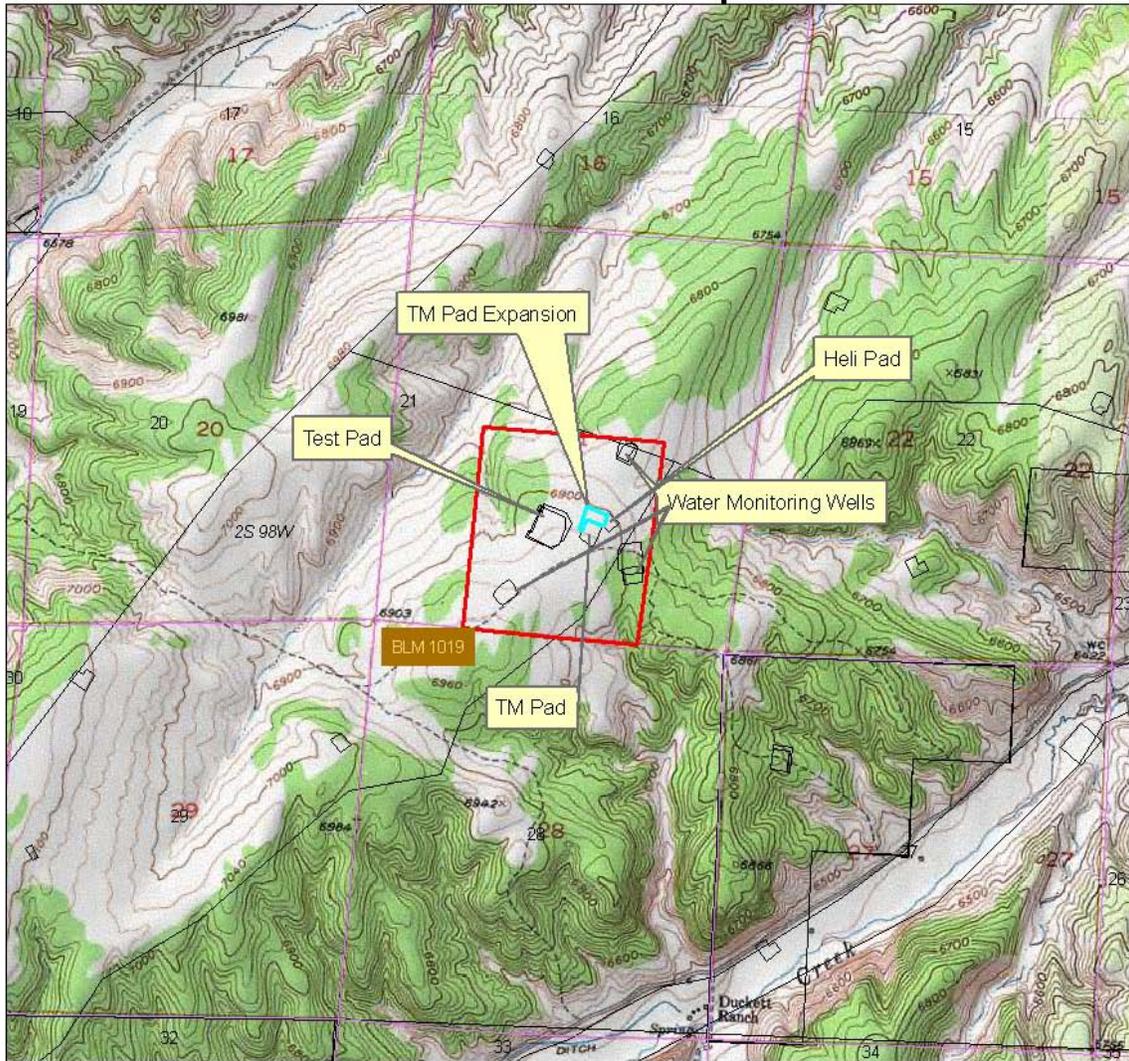


Sources:
 BLM, USGS, CDOW, etc.

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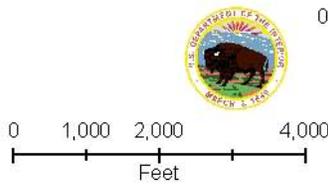


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**T 2 S, R 98 W, 6 th PM
Section 21, E2SW, W2SE**

RDD Lease COC69169



01/31/2011



Sources:
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