

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

## CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2013-0003-CX

CASEFILE/PROJECT NUMBER: COC69169

PROJECT NAME: American Shale Oil RD&D COC69169 Minor Modifications to Plan of Development

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

APPLICANT: American Shale Oil, LLC

### 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 recovery of the oil shale resources lower in the Green River Formation below the nahcolitic and aquifers zones. In 2009, AMSO amended their prospecting operations to include TM Pad, a tomography well 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:** AMSO has submitted two minor modifications to their POD requesting the approval for installation of communication tower and a sewage disposal system for their temporary living quarters. The communication tower would allow the transfer of data generated during the R,D&D testing activities. It would be a 40 feet self-standing tower with a 4.7 cubic yard concrete base (5 feet x 5 feet x 5 feet) and located within the fenced area next to the engineering trailer (See Figures 1, 2, and 3). Reclamation would consist of tower removal with demolition of the concrete base into pieces of less than two feet.

Rio Blanco County permitted temporary living quarters on location. To date waste water has been hauled from the facilities. The county would prefer AMSO to install a sewage disposal

system rather than rely on a system that requires storing and hauling waste water. AMSO has submitted an individual sewage disposal system (ISDS) designed to accommodate up to 12 people. The system would be constructed on an existing disturbance of the MW-1 Pad (See Figures 1 and 2) and would consist of a 2,000 gallon septic tank and a leach field 39 feet by 95 feet. Construction and installation of the ISDS would conform to Rio Blanco County and the State of Colorado Department of Public Health and Environment regulations governing ISDS. Upon abandonment of the operations the tank and leach field would be pumped out and tank removed.

No new surface disturbance would occur and construction of the facilities would occur upon approval, estimated late fall early winter time frame.

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

Date Approved: July 1, 1997

Decision Number/Page: 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."

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number F-8: "*Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan for leasable minerals (e.g., change in mining sequence or timing).*"

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		X

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
resources.		
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 the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
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 White River Field Office interdisciplinary team on 10/09/2012. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	10/26/2012
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	10/12/2012
Zoe Miller	Ecologist	Special Status Plant (SSP) Species	10/23/2012

REMARKS:

*Cultural Resources:* There are no cultural resource concerns with the Proposed Action.

*Native American Religious Concerns:* There are no currently known Native American religious concerns with the Proposed Action.

*Special Status Wildlife Species:* There are no special status wildlife species that inhabit or derive important benefit from the project location. Since, construction activities associated with the Proposed Action are to take place during the late fall or early winter in previously disturbed areas, all other wildlife-related issues and concerns were adequately addressed in the original environmental assessment DOI-BLM-CO-110-2006-0118-EA.

*Special Status Plant Species:* There are no concerns with special status plant species associate with the Proposed Action.

MITIGATION: None.

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

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, Number F-8. 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:   
Field Manager

DATE SIGNED: 11/01/12

ATTACHMENTS:

- Figure 1: General Location Map – Aerial Photo
- Figure 2: General Location Map – Topographic & Land Status
- Figure 3: Fence Construction Diagram

Figure 1: General Location Map – Aerial Photo

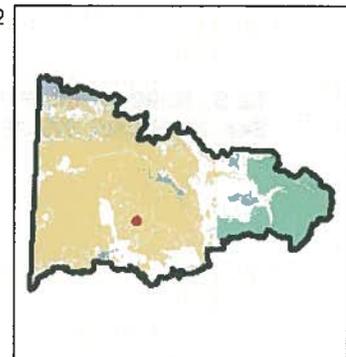
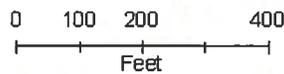
**DOI-BLM-CO-110-2013- 003-CX**  
**American Shale Oil RD&D COC69169**  
**Minor Modifications to Plan of Development**



T.2 S., R. 98 W., 6th PM  
Sec. 21, E½SW, W½SE



10/07/2012

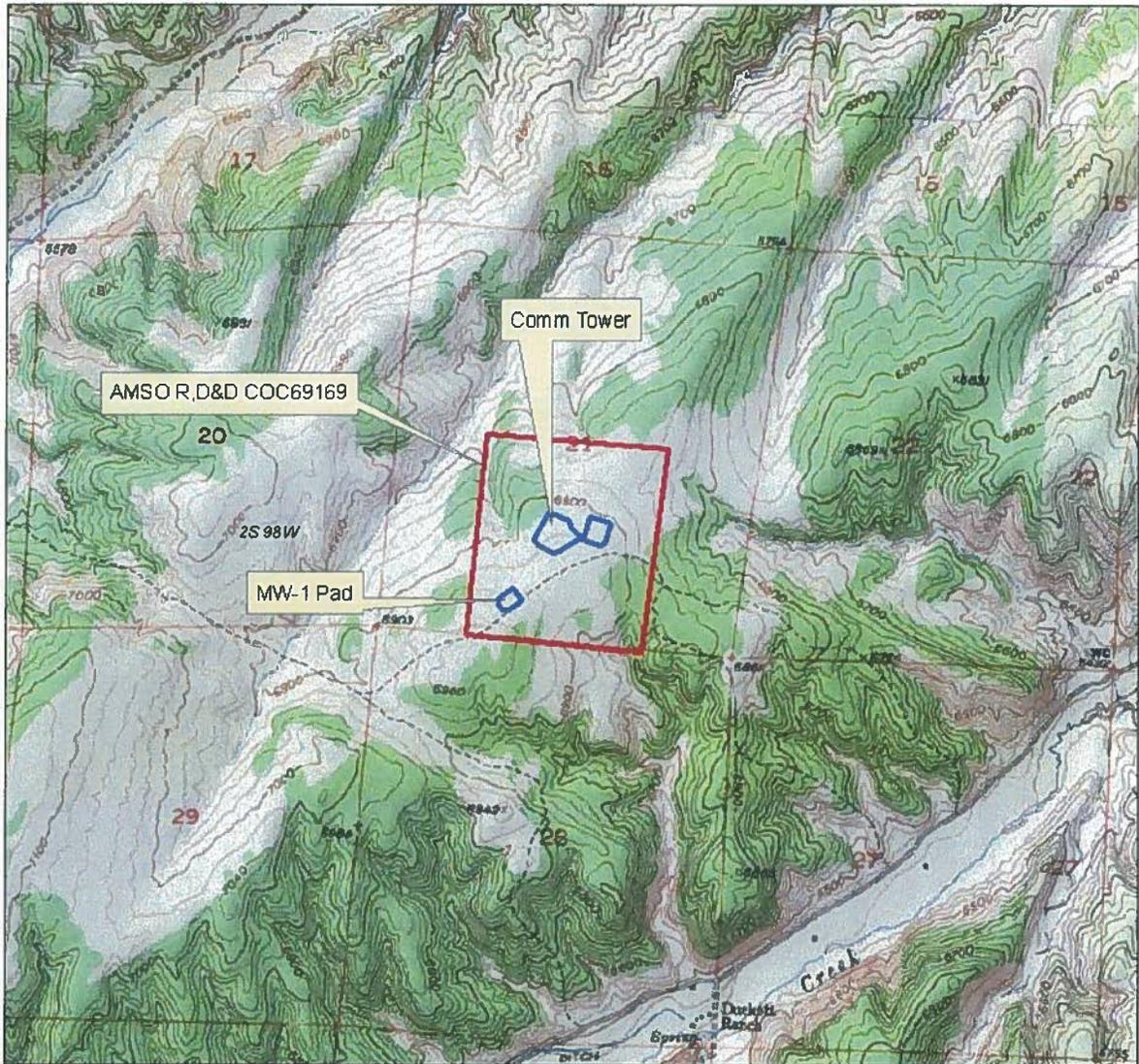


Sources:  
BLM, USGS, CDOT, etc.

Disclaimer:  
Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.

Figure 2: General Location Map – Topographic & Land Status

**DOI-BLM-CO-110-2013- 003-CX**  
**American Shale Oil RD&D COC69169**  
**Minor Modifications to Plan of Development**

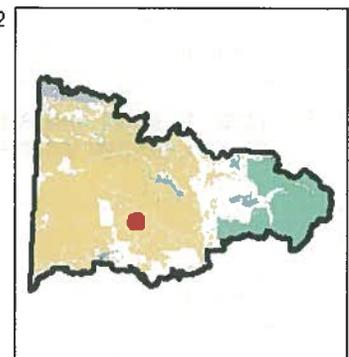


T.2 S., R. 98 W., 6th PM  
Sec. 21, E½SW, W½SE



Sources:  
BLM, USGS, CDOW, etc.

Disclaimer:  
Although the data presented with this map, and the map itself, have been processed electronically by computer, of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of its publication constitute or imply any such warranty.





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

**DECISION RECORD**

**PROJECT NAME:** American Shale Oil RD&D COC69169 Minor Modifications to Plan of Development

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-110-2013-0003-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0003-CX, authorizing the construction and maintenance of a 40 foot self-standing communication tower and an individual sewage disposal system on previously disturbed areas.

**COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

**PUBLIC INVOLVEMENT**

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 10/11/2012 and a copy of the completed Categorical Exclusion will be posted on the WRFO website. As of 10/31/2012, no comments or inquiries have been received.

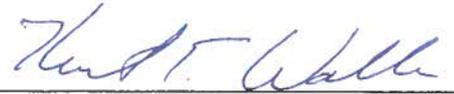
**RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F-8. 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**

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

11/01/12

