

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-110-2012-0098-CX

CASEFILE/PROJECT NUMBER: COC-57190 Logical Mining Unit (LMU)

PROJECT NAME: Blue Mountain Energy (BME) Minor Revision #151 Addition of Rock Dust Hole RDH4 and Associated Facilities

LEGAL DESCRIPTION: T3N, R101W, 6<sup>th</sup> PM  
Section 27: NWNW.

APPLICANT: Blue Mountain Energy

### DESCRIPTION OF PROPOSED ACTION:

**Background/Introduction:** Deserado is an existing underground coal mine that utilizes longwall mining techniques. It was permitted in 1981 and supplies coal to the Bonanza Power Plant in Bonanza, Utah. Coal is shipped 37 miles via electric train from the mine to the power plant. The mine portal, located near the mine's surface facilities (offices, shop, wash plant etc.), is the access to underground workings for personnel and large supplies. Bore holes are an alternate method of access used to supply breathable air, nitrogen, electrical power, diesel, communications, and bulk rock dust to underground workings. Mine Safety and Health Administration (MSHA) requires implementation of miner rescue infrastructure, including underground rescue chambers that require a breathable air supply. These chambers are constructed at strategic locations and are connected to breathable air blowers located on the surface via bore holes mentioned above. Bulk rock dust bins capable of containing 140 tons of rock dust are constructed directly over the rock dust holes. Multi bore holes are situated on a single pad location when practical. Surface location of the bore holes are limited by the proximity of the hole to the underground mine workings.

**Proposed Action:** Blue Mountain Energy (BME) is requesting permission to install three bore holes: a rock dust hole (RDH-4), a breathable air hole, and a power/communications hole at a single surface pad location (see Figures 1 and 2). There would also be two sheds and a rock dust bin located at the site. The sheds would be 8 feet by 12 feet and 6 feet by 12 feet and used to house a generator and blower for breathable air. The rock dust bin would be capable of holding up to 140 tons of rock dust and approximately 30 feet in height. The sheds would be placed on 4 inch concrete pads the size of the shed, and the rock dust bin would be placed on a 17 feet by 18 feet by 2 feet pad. Approximately 520 feet of power line using raptor proof poles would also be installed as part of the project. Access to the pad would be approximately 250 feet long and have

a graveled 12 foot running surface. Due to the small bore (4 inch to 8 inch finished) and shallow depths a small drilling rig would be used during drilling of the holes. Total disturbed area for the proposed project would be approximately 1.5 acre of Bureau of Land Management (BLM) surface. Disturbed areas not utilized for long term facilities would be reclaimed following drilling operations.

Drilling and construction dates are uncertain depending on rig availability. but are expected to occur sometime in 2012 or later. Timing of the drilling operations for all the holes may be staggered instead of a single drilling set up.

Reclamation standards for bore hole and pads are located in the reclamation portion of the approved Blue Mountain Energy Inc., Deserado Mine Mining Permit.

**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 (White River ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-7

Decision Language: "Ensure that federal coal resources identified as acceptable for further consideration for coal leasing, are available for exploration, leasing and development."

**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		X

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
unresolved conflicts concerning alternative uses of available 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 6/5/2012. 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	8/13/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	7/17/2012
Zoe Miller	Ecologist	Special Status Plant Species	6/14/2012

REMARKS:

*Cultural Resources:* The rock dust and breathable air drill holes and facilities area has been covered by Class III pedestrian survey and no historic properties have been located that would be affected by this project (Mills 2012).

*Native American Religious Concerns:* No Native American religious concerns are known in the area, and none have been noted by Ute tribal authorities. Should future inventories, or consultations with Tribal authorities, reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

*Special Status Wildlife Species:* There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. The project area lies within general sage-grouse range as mapped by Colorado Parks and Wildlife (CPW). The greater sage-grouse is a candidate species under the Endangered Species Act and considered sensitive by the BLM. The nearest known active lek is approximately 12 miles from the project area. This area currently serves as winter habitat for grouse. Currently, this area supports a limited number of grouse. The removal of less than two acres of sage steppe habitat is not anticipated to influence local grouse populations.

Small, discontinuous white-tailed prairie dog colonies ranging in size from 4 to 100 acres (average ~26 acres) are scattered throughout the project area (the nearest is approximately 0.70 miles from the project site). The Proposed Action would not be expected to have any influence on prairie dog populations or forage and cover resources for this species. Prairie dogs and their burrow systems provide a source of food and shelter for several species including black-footed ferret (federally endangered), burrowing owl and ferruginous hawk (both BLM-sensitive). Due to the small size and limited extent, these colonies would not be capable of supporting ferrets. The nearest known burrowing owl nest (last known to be active in 2009) is located two miles from the project area. There are two historic ferruginous hawk nest sites approximately 0.80 miles from the project area. Aerial surveys were conducted in 2009 and 2011 however neither nest was determined to be active.

The project area is located in mule deer severe winter range, a specialized component of winter range that supports virtually all of a herd during the most severe winters (temperature, snowfall). These ranges typically receive the heaviest use from January through April.

*Special Status Plant Species:* The BLM sensitive species debris milkvetch (*Astragalus detritalis*) occurs near the Proposed Action. The proposed project area must be surveyed for the species prior to disturbance. If debris milkvetch is found then the BLM must be consulted prior to construction.

MITIGATION:

1. No activities (construction, drilling etc.) will be allowed within mule deer severe winter range from December 1 – April 30 to reduce adverse behavioral effects on wintering big game (White River ROD/RMP TL-08).
2. The BLM sensitive species debris milkvetch (*Astragalus detritalis*) occurs near the Proposed Action. The proposed project area must be surveyed for the species prior to disturbance. If debris milkvetch is found then the BLM must be consulted prior to construction.

REFERENCES:

Mills, Hannah

2012 Class III Cultural Resources Inventory For a Proposed Rock Dust and Breathable Air Drill Holes and Facilities for Blue Mountain Energy, Inc. [GRI #2012-58]. Grand River Institute, Grand Junction, Colorado. 12-011-16, RB.LM.R1291.

COMPLIANCE PLAN: Blue Mountain Energy Inc., Deserado Mine Mining Permit

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:

09/18/12

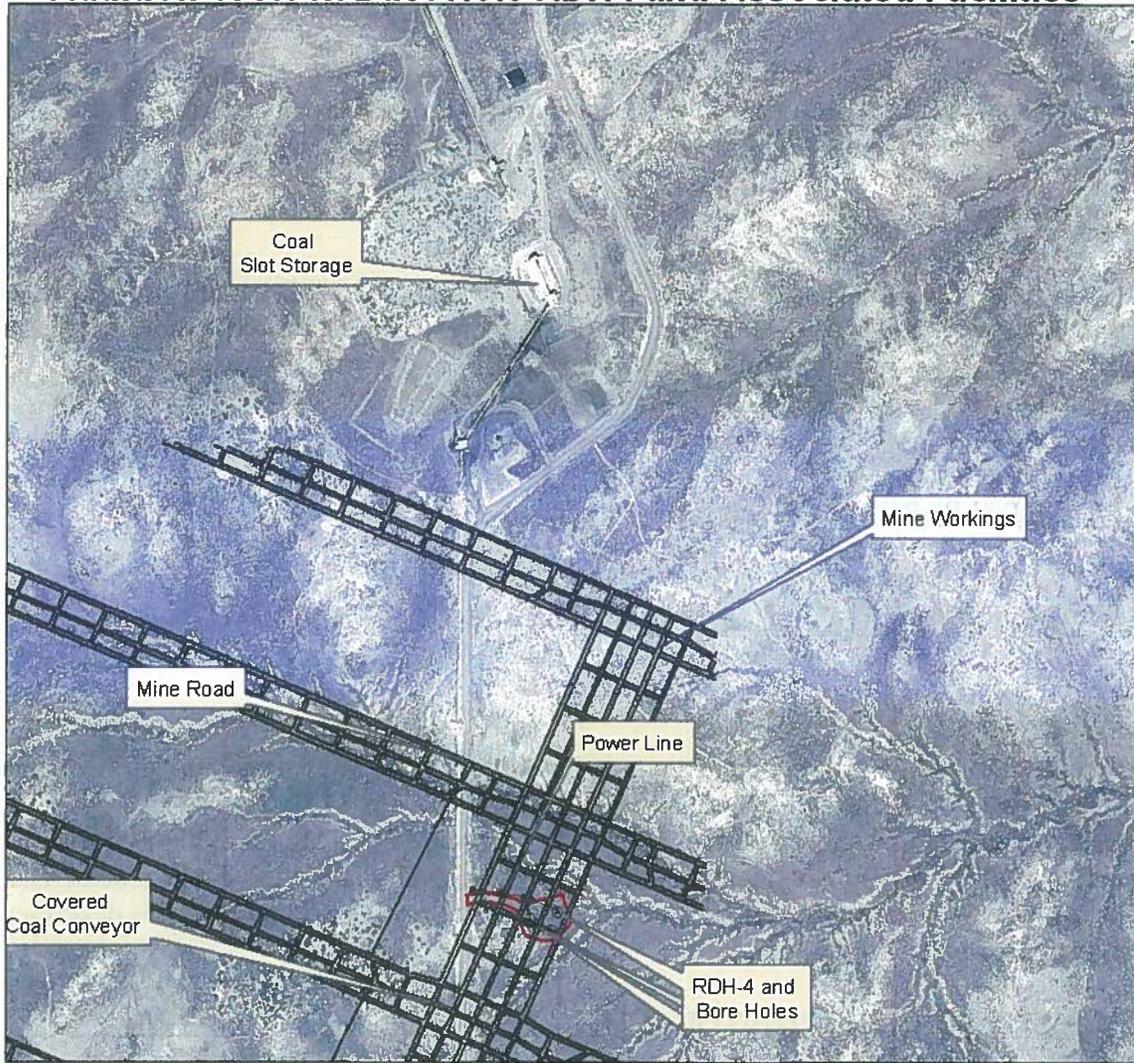
ATTACHMENTS:

Figure 1: General Location Map – Aerial Photo

Figure 2: General Location Map – Topo & Land Status

Figure 1: General Location Map – Aerial Photo

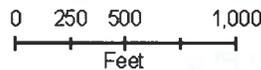
**DOI-BLM-CO-110-2012-0098-CX**  
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**Addition of Rock Dust Hole RDH4 and Associated Facilities**



**T3N, R10W, 6th PM**  
**Section 27, NWNW**



06/01/2012



Sources:  
BLM, USGS, CDDW, etc.

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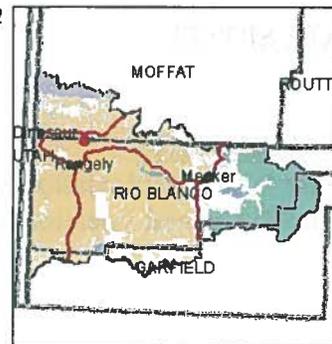
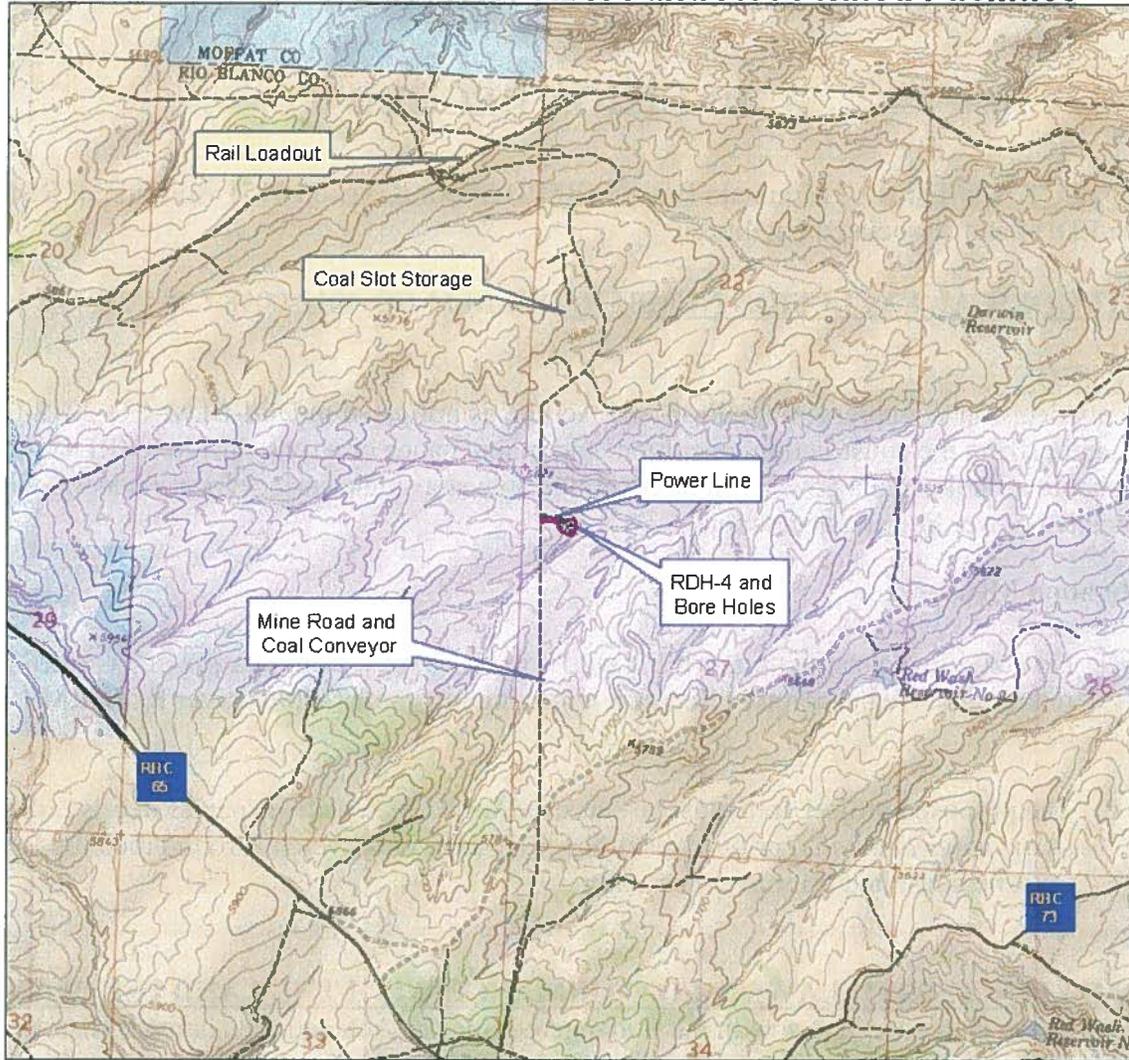
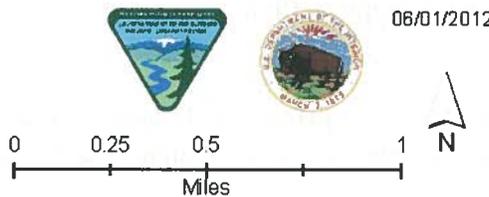


Figure 2: General Location Map – Topo & Land Status

**DOI-BLM-CO-110-2012-0098-CX**  
**Blue Mountain Energy (BME) Minor Revision #151**  
**Addition of Rock Dust Hole RDH4 and Associated Facilities**

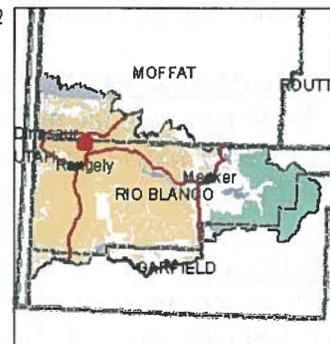


**T3N, R101W, 6th PM**  
**Section 27, NWNW**



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## **DECISION RECORD**

**PROJECT NAME:** Blue Mountain Energy (BME) Minor Revision #151 Addition of Rock Dust Hole RDH4 and Associated Facilities

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2012-0098-CX

### **DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0098-CX, authorizing the construction, operation, and maintenance of a rock dust hole (RDH-4), a breathable air hole, and a power/communications hole at a single surface location along with the associated power line and access road.

### **Mitigation Measures**

1. No activities (construction, drilling etc.) will be allowed from December 1 – April 30 to reduce adverse behavioral effects on wintering big game (White River ROD/RMP TL-08).
2. The proposed project area must be surveyed for BLM sensitive species debris milkvetch (*Astragalus detritalis*) prior to disturbance. If debris milkvetch is found then the BLM must be consulted prior to construction.

### **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 6/7/2012 and a copy of the completed Categorical Exclusion will be posted on the WRFO 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, 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:**

09/18/12

