

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-N05-2014-0048-CX

CASEFILE/PROJECT NUMBER: COC118327-01 and COC57625 ROW

PROJECT NAME: Natural Soda Inc. Monitoring Well DS-7 and Production Well Pairs 8H and 9H

LEGAL DESCRIPTION: Sixth Principal Meridian
T 1S, R 98 W
Section 26 Lot 11
Section 35 Lot 4

APPLICANT: Natural Soda Inc.

DESCRIPTION OF PROPOSED ACTION:

Background/Introduction: Natural Soda Inc. (NSI) operates an in-situ sodium bicarbonate (nahcolite) solution mining operation and has been in continual operations since 1991. Their operation and facilities are located at the termination of Rio Blanco County (RBC) Road 31 (Figures 1 and 2) in the Piceance Creek Basin, approximately 37 miles west and south of Meeker, Colorado. NSI current mining operations involve solution mining from five available mining well pairs. A plant expansion completed in spring of 2013 was designed to increase plant capacity from 125,000 tons per year to 250,000 tons per year. Production for 2014 is projected for approximately 180,000 tons and is anticipated to increase to the new plant capacity within the next two years. Current production requires the availability of two and preferably three well pairs to adequately supply a continuous feed stock to the processing facility. ROW COC57625 is located immediately south of federal sodium lease COC118327-01 (Figures 1 and 2) and was issued in 1995 to allow NSI to construct wells and well pads off lease to allow for the maximum economic recovery of the leased sodium resources. The ROW has been amended three times since issuance for the inclusion of additional and proposed well pads and is currently issued for 12.5 acres of which 7.5 acres have been disturbed (Figure 1).

Proposed Action: NSI proposes to construct three well pads, drill two sets of horizontal production wells (8H-I, 8H-R, 9H-I, and 9H-R) on two of the pads and a water monitoring well DS-7 on the third pad (Figures 1 and 2). These proposed wells are located within Mine Panel 1 of NSI's approved mine plan. ROW COC57625 would be amended to include the 8H and 9H well pairs. The additional production well pairs would enable NSI to have a backup plant feed in case of a disruption in any of the current mining cavities. The production wells would be directionally

drilled (horizontal) having a true vertical depth of approximately 2,000 feet with a measured depth of greater than 4,100 feet for 8H-I and 9H-I (the longest wells) and a measured depth of greater than 2,300 for 8H-R and 9H-R. Solution mining would occur along approximately 1,700 feet of the horizontal portion of each well pair.

Approximately 5.1 acres of disturbance is associated with the proposed well pads and access. The majority of the disturbance would occur on previously disturbed areas (3.7 acres). Table 1 contains the disturbance for each well pad associated access. Access would be from Rio Blanco County Road 31, along existing well field access, in previously disturbed areas (Figure 1), and would have a 14 foot running width.

Table 1 Area of Disturbance

Pad	Pad (acres) Total	Pad (acres) Previously Disturbed	Pad (acres) New Disturbance	Access (feet) Total	Access (acres) Previously Disturbed	Access (acres) New Disturbance
DS-7	0.79	0.42	0.37	750	0.34	0
8H	2.27	1.22	1.05	0	0	0
9H	1.57	1.57	0.00	300	0.14	0
Total	4.63	3.21	1.42	1,050	0.48	0

Construction of DS-7 and one well pair is anticipated to begin in 2014. The second well pair is projected to be drilled in 2015. Each well bore is expected to require three to five weeks of drilling activity. Construction, monitoring, reclamation, and maintenance activities for NSI's facilities and well field are governed by the approved NSI's mine and monitoring plan.

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 and 2-7

Decision Language: "Facilitate the orderly and environmentally sound development of sodium resources occurring on public lands."

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 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 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 1/21/2014. 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.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	1/22/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	2/4/2014
Heather Woodruff	Rangeland Management Specialist/Acting Ecologist	Special Status Plant Species	1/29/2014

REMARKS:

Cultural Resources: The area of the proposed 8H and 9H wells has been inventoried at the Class III (100 percent pedestrian) level (Conner and O’Neil 1995 compliance dated 11/20/1995). One site and one isolated find have been recorded in the general vicinity. The site has been officially determined as Need Data and is therefore potentially eligible for nomination to the National Register of Historic Places. As presently proposed all the well locations avoid the site and care should be taken to ensure the site is avoided.

Well DS-7 appears to be located in an area of previous disturbance. Provided the new well and all drilling activity can be completely confined to the existing disturbance as seen on the 2011 NAIP there should be no new impacts to any cultural resources.

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.

Paleontological Resources Concerns: The proposed well pad locations for the DS-7 and well pairs 8H and 9H are all located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM has classified as a Potential Fossil yield Classification (PFYC) 5 formation, meaning it is known to produce scientifically important fossil resources. If it should become necessary to excavate into the underlying sedimentary rock to level any of the proposed well pads there is a potential to impact scientifically noteworthy fossil resources.

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 in mule deer severe winter range, a specialized component of winter range that supports virtually an entire herd during the most extreme winters. In November 2009 an agreement was reached by Colorado Parks and Wildlife (CPW) and BLM that supports CPW’s research that is designed to better define deer response to applied BMPs and increased, but spatially confined natural gas development. To provide the necessary contrast in experimental design, gas development projects within a pre-defined area have been excepted from big game winter timing limitations through the year 2015. The exception area encompasses about 1% of the total severe winter

range available within Game Management Unit (GMU) 22. All three pads are located in this exception area.

Pads 8H and 9H are located within roughly 250 meters of a known Cooper's hawk nest which was last active in 2011. Activities associated with well pad development (construction, drilling etc.) have the potential to disrupt nesting activities and influence nesting outcomes if work takes place during the breeding season. The proponent has agreed to postpone activities associated with well pad development (construction, drilling etc.) on the 8H and 9H locations until after August 15th. Should scheduling change, nest status would need to be verified prior to construction initiation.

Special Status Plant Species: The 9H and 8H pads were surveyed for BLM sensitive plants in 2011 by Hayden Wing and no habitat or plants were identified during that survey. Based on the current GIS plant data both 9H and 8H pads are located within potential habitat for threatened *Physaria* species. No additional disturbance is needed for the 9H pad, but the 8H pad will require an additional 1.05 acres of disturbance. However, in reviewing previous surveys done in the area in similar habitat, and using aerial photography to look at the habitat structure present it is unlikely that threatened *Physaria* species would be in the location. No additional plant surveys will be required for the 8H or 9H pads.

The DS-7 pad also is within potential habitat for threatened *Physaria* species and requires additional disturbance, but in reviewing previous surveys done in the area in similar habitat, and using aerial photography to look at the habitat structure present it is unlikely that threatened *Physaria* species would be in the location. No BLM sensitive species have been identified for this area. No new plant surveys will be required for the DS-7 pad.

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.
- Conner, Carl E., and Brian O'Neil
1995 Cultural Resources Inventory Report on Proposed Right-of-Way Extension in Rio Blanco County, Colorado, for White River nahcolite Minerals, Ltd. Liability Co. (95-11-41: SHPO #: RB.LM.R296)
- Tweto, Ogden
1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

Cultural:

1. The operator is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The operator will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the operator must notify the AO, by telephone and 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), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

Paleontological:

4. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the operator or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

6. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

Terrestrial Wildlife:

7. Should construction or drilling activities for 8H and 9H well pads take place during the raptor breeding season (February 1 – August 15), the status of the existing nest must be determined prior to construction initiation. Should the nest be found active, timing stipulations outlined in the 1997 White River ROD/RMP will be applied (TL-04).

COMPLIANCE PLAN: “Natural Soda 2010 Mine Plan and Environmental Monitoring Plan”

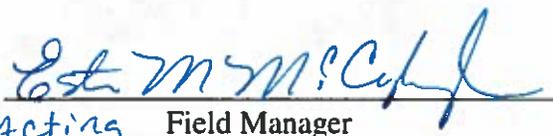
NAME OF PREPARER: Paul Daggett

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:


Acting Field Manager

DATE SIGNED: 4/29/14

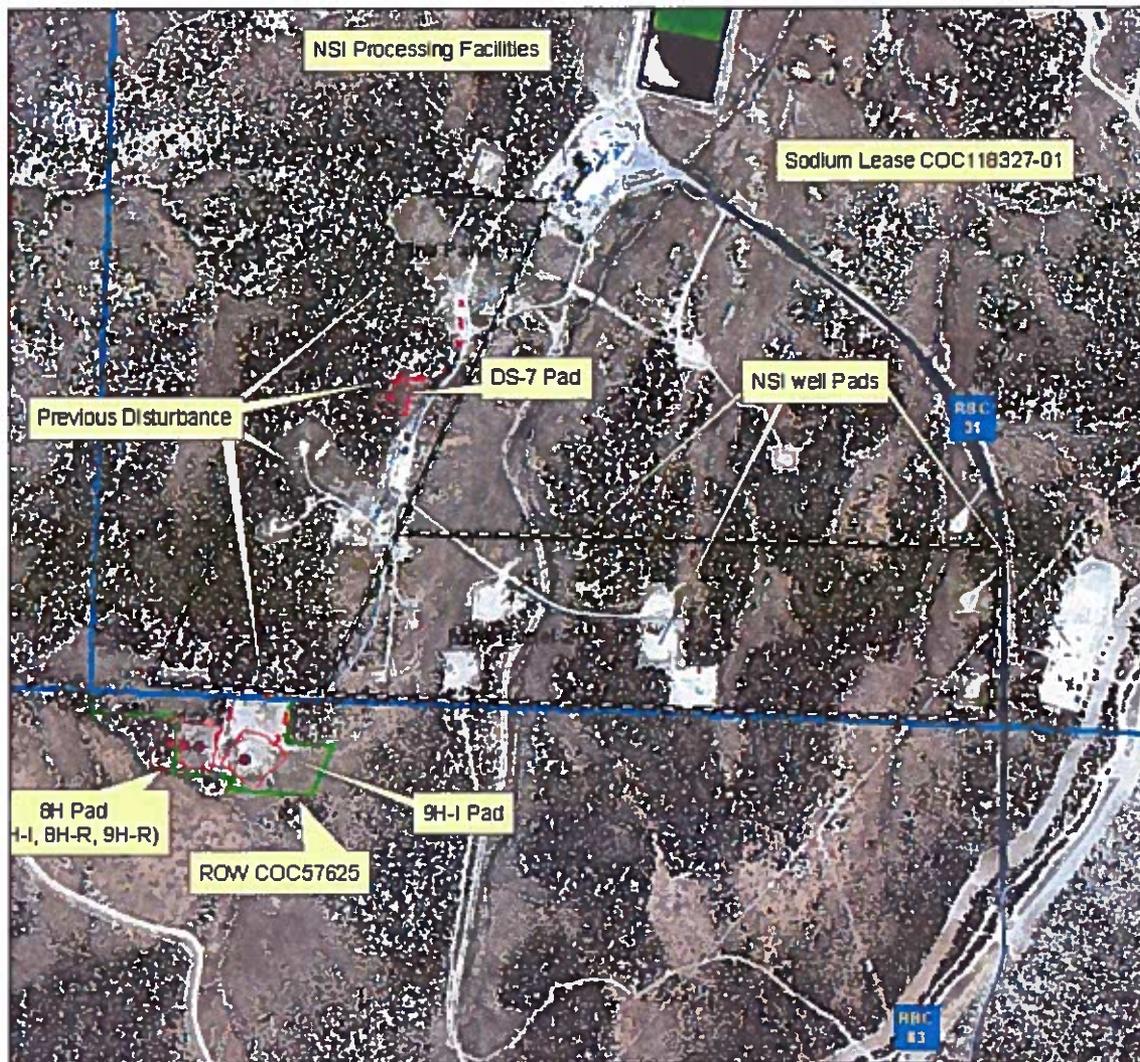
ATTACHMENTS:

Figure 1: General Location Map – Aerial Photo

Figure 2: General Location Map – Topographic

Figure 1: General Location Map – Aerial Photo

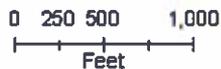
DOI-BLM-CO-N05-2014-0048-CX
Natural Soda Inc. Monitoring Well DS-7 and Production Well Pairs 8H and 9H



01/15/2014

T. 1 S., R. 98 W. 6th P.M.
 Section 26 and 35

- - - Access
- Sodium Lease Boundary



Source:
 BLM, USGS, CDOW, etc.

Disclaimer:
 Although the data presented with this map, and the map itself, have been prepared or compiled on behalf of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the BLM warrant the content or imply any such warranty.

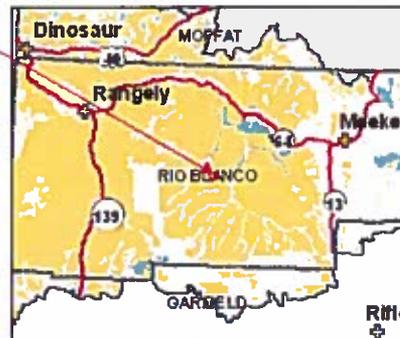
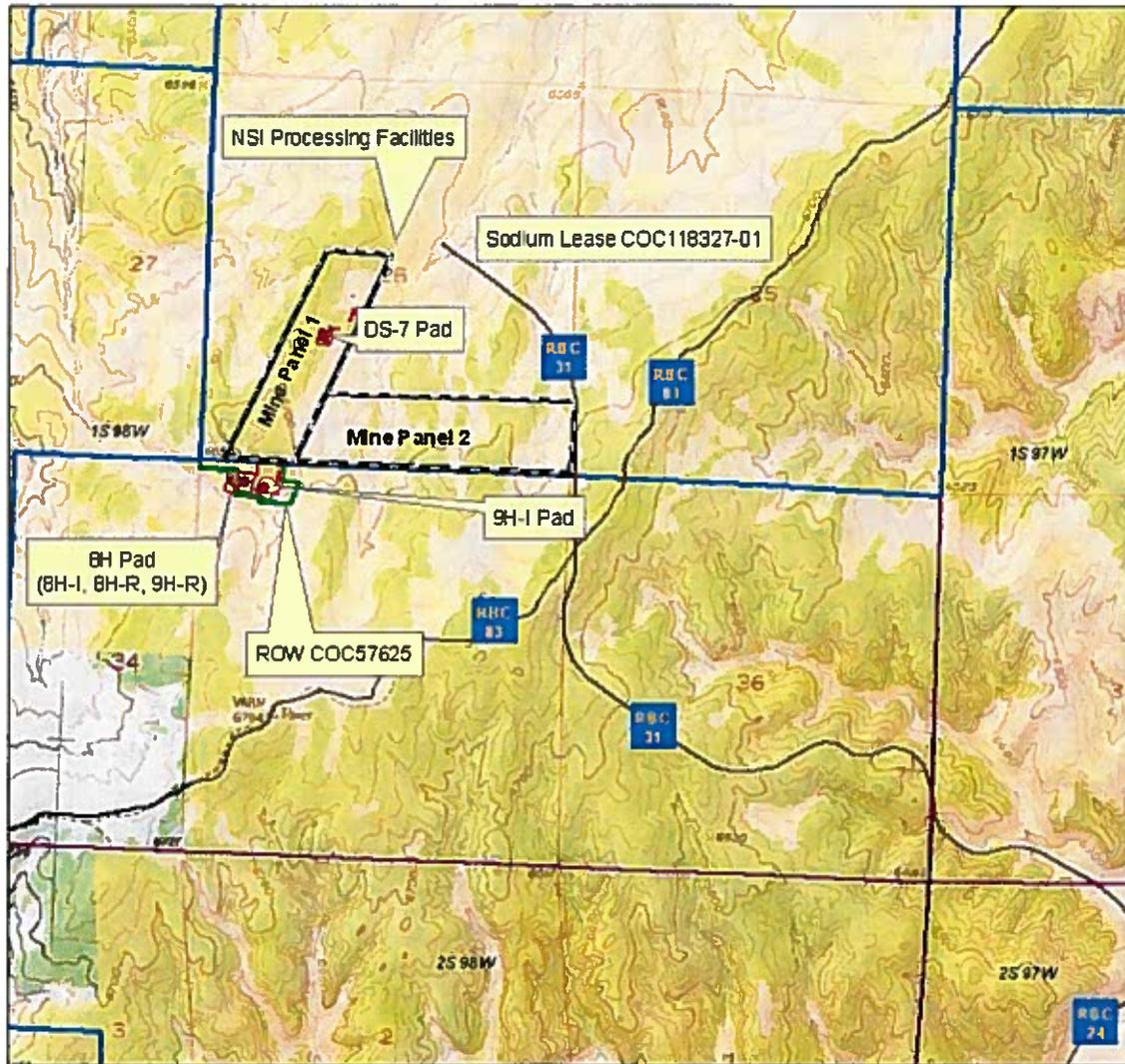


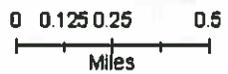
Figure 2: General Location Map – Topographic

DOI-BLM-CO-N05-2014-0048-CX
Natural Soda Inc. Monitoring Well DS-7 and Production Well Pairs 8H and 9H



T. 1 S., R. 98 W. 6th P.M.
 Section 26 and 35

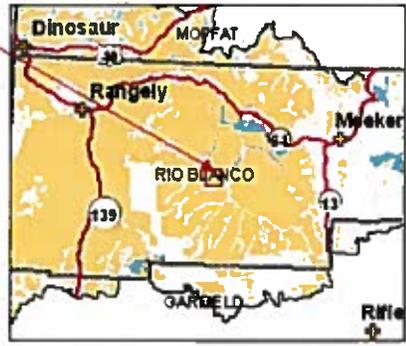
- Access
- Sodium Lease Boundary
- County Road



Source: BLM, USGS, CDOW, etc.

Disclaimer: Although the data presented within this map, and the map file it has 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 its use constitute or imply any such warranty.

01/15/2014



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DECISION RECORD

PROJECT NAME: Natural Soda Inc. Monitoring Well DS-7 and Production Well Pairs 8H and 9H

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-N05-2014-0048-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0048-CX, authorizing the construction, operation, and maintenance of monitoring well DS-7, sodium solution mining production well pairs 8H and 9H (8H-I, 8H-R, 9H-I, and 9H-R), and amend ROW COC57625 to include well pairs 8H and 9H.

Mitigation Measures

Cultural:

1. The operator is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The operator will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the operator must notify the AO, by telephone and 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), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

Paleontological:

4. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the operator or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
6. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

Terrestrial Wildlife:

7. Should construction or drilling activities for 8H and 9H well pads take place during the raptor breeding season (February 1 – August 15), the status of the existing nest must be determined prior to construction initiation. Should the nest be found active, timing stipulations outlined in the 1997 White River ROD/RMP will be applied (TL-04).

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 1/29/2014 and a copy of the completed Categorical Exclusion will be posted on the WRFO website. As of April 28, 2014, no comments 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:


Acting Field Manager

DATE SIGNED:

4/29/14