



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Rocky Mountain District Office
3028 East Main Street
Cañon City, Colorado 81212

In Reply Refer To:
3600 (COF02000, SSC)
COC-078119

Dear Reader:

The enclosed Record of Decision (ROD) documents the Bureau of Land Management (BLM) Rocky Mountain District Manager's decision for the Proposed Competitive Mineral Materials Sale (COC-078119) at Parkdale, Fremont County, Colorado. The BLM, Royal Gorge Field Office has analyzed the potential impacts of a proposed aggregate quarry expansion and, through the issuance of this ROD, is proposing to authorize the expansion of the existing, private mine by approximately 700 additional acres (Alternative A). This decision contains required design features and mitigation measures that will help reduce impacts to visual, wildlife, and water resources.

Martin Marietta Materials, Inc. submitted an application to mine 400 million net tons of aggregate reserves located on BLM managed lands adjacent to an existing hard rock quarry located northwest of Canon City, CO. The aggregate reserves will be used in concrete, asphalt, as well as for railroad ballast.

The decision of the Authorized Officer may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in (43 CFR Part 4 and Form 1842-1). If an appeal is taken under 43 CFR 4.411, your notice of appeal must be filed in the Office of the Authorized Officer, the Rocky Mountain District Manager, 3028 East Main Street, Canon City, CO 81212, within 30 days from your receipt of this decision. The appellant has the burden of showing that the Decision appealed from is in error. The Authorized Officer will promptly forward the notice of appeal to the IBLA.

If you wish to file a petition for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards at 43 CFR 4.21(b):

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Under 43 CFR 4.413, a copy of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Regional Solicitor, U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, CO 80215 at the same time the original documents are filed with the Authorized Officer.

Thank you for your interest in this project. If you have questions, or need additional information concerning the document, please contact Stephanie Carter at (719) 269-8500.

Sincerely,

**CATHERI
NE COOK**

Digitally signed by
CATHERINE COOK
Date: 2020.07.24
12:58:21 -06'00'

Catherine L. Cook
District Manager
Rocky Mountain District Office

Enclosure

**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office (RGFO)**

**DECISION RECORD
Proposed Competitive Mineral Materials Sale (COC-078119) at
Parkdale, Fremont County, CO
DOI-BLM-CO-F020-2019-0013 EIS**

INTRODUCTION

The Bureau of Land Management (BLM) has completed an Environmental Impact Statement (EIS), #DOI-BLM-CO-F020-2019-0013-EIS, for a competitive mineral materials sale application. The BLM prepared the EIS to analyze a request from Martin Marietta Materials, Inc. (Martin Marietta) for a renewable 10-year competitive contract for the sale of mineral materials. The request included the ability to access and mine 400 million net tons of aggregate reserves located on approximately 700 acres of BLM managed lands. The requested sale area is located adjacent to Martin Marietta's existing private, hard rock quarry northwest of Canon City, Colorado.

The purpose of this action is to respond to Martin Marietta's request to obtain a renewable competitive contract for the sale of mineral materials located immediately adjacent to the existing Parkdale Quarry in Fremont County, Colorado.

The decision to be made as a result of the EIS is whether BLM will issue a competitive sale contract, with option of renewal, for the requested area. And, if so, what design features and mitigation would be needed in order to meet applicable laws and regulations as well as minimize impacts.

Cooperating Agencies on the EIS are Colorado Parks and Wildlife and Fremont County.

SUMMARY OF ALTERNATIVES CONSIDERED

The EIS analyzes three alternatives. Alternative A is the applicant proposed action and BLM's selected alternative, which includes access to approximately 100 years of mineral material reserves on 700 acres of BLM, located directly north of their existing quarry. Alternative B is the no action alternative and would consist of the existing mining operations, located only on private land, lasting for another 15-30 years on limited reserves. Alternative C is the alternative sale area, including access to 100 years of mineral material reserves on approximately 633 acres of

BLM managed lands, located north, northeast of their existing quarry. In all alternatives, reclamation would be ongoing, following mining activity in an area, as soon as conditions are feasible.

Details of Alternative A include: Mined material would be used for concrete, asphalt, and railroad ballast products and would take place on approximately 700 acres of BLM-administered public lands for up to 100 years; the southwestern boundary of the proposed mining area would border the Arkansas River Canyonlands Area of Critical Environmental Concern (ACEC); surface mining would progress in 5 Phases; mining direction for each Phase would be from northwest to southeast, creating a “mine from behind” visual scenario from the Highway 50 corridor.

Alternative B does not include any federal interests and involves the continuation of surface mining on the existing private aggregate reserves, anticipated to last 15-30 years, with aggregate produced only for concrete and asphalt products. Alternative B consists of 3 Phases, with the mining direction for Phases 1 and 2 being west to east and Phase 3 being north to south.

Details on Alternative C include: Mined material would be used for concrete, asphalt, and railroad ballast products and would take place on approximately 633 acres of BLM-administered public lands for up to 100 years; the boundary of this footprint would not border the Arkansas River Canyonlands ACEC; surface mining would progress in 6 Phases; mining direction for each Phase would vary, so a “mine from behind” visual scenario from the Highway 50 corridor may not always be achieved.

DECISION

It is my decision to issue a 10-year competitive contract, with option of renewal, for the 700 acres that is located directly north of the existing quarry.

The mineral materials competitive contract, with option of renewal, will authorize the following:

1. Mining on 700 acres of BLM managed lands and minerals, as described in the legal description and associated maps.
2. Mining and reclamation procedures to be conducted in accordance with the following terms and conditions, which will be included as stipulations to the competitive contract with option for renewal when it is issued. (As the applicant, Martin Marietta is referred to throughout the decision record. Because the mineral material sale is based on a competitive contract bid, the requirements of this ROD will apply to any entity determined to be the successful bidder at the conclusion of this process.)

Design Features

| Measure Number | Resource Potentially Affected | Voluntary Design Feature ⁶ (Yes/No) | Required by BLM (Yes/No) | Required by Existing Permit ⁶ (Yes/No) | Operator and BLM Proposed Design Features |
|---------------------|--|--|--------------------------|---|--|
| VIS-01 ¹ | Visual | Yes | No | No | Viewshed impacts will be minimized by using a technique called “mine from behind” wherein the existing topography acts as a view screen, and where mining of visible elevated areas is conducted from the side away from the viewpoint. |
| REC-01 ¹ | All | Yes | No | No | Reclamation activities will begin in a particular part of a pit area when mining is complete in that part of the pit area, and there is no longer a need to access it. Therefore, reclamation will be occurring concurrently with mining, in order to minimize the total disturbed acreage. |
| REC-02 ¹ | Reclamation, Erosion Control | Yes | No | No | Overburden and topsoil would be placed in stockpiles for reuse during the reclamation process. Overburden and topsoil stockpiles that will not be used within six months of excavation will be seeded to establish a vegetative cover for stabilization and protection from erosion. |
| REC-03 | Reclamation, Topsoil Storage and Amendment | No | Yes | No | Prior to initiation of mining activity on BLM-administered lands, an assessment of the existing topsoil resources within the area of proposed disturbance would be completed by Martin Marietta to determine the adequacy of existing topsoil volumes to provide an adequate cover in areas of final reclamation. If in the event the topsoil assessment indicates existing and recoverable soil volumes are insufficient for reclamation purposes, Martin Marietta would work with the BLM and CDRMS to identify appropriate sources of additional cover material and any necessary soil amendments to ensure sufficient topsoil cover appropriate for use in reclamation is available. |
| REC-04 ¹ | Reclamation, Erosion Control | Yes | No | No | Disturbed areas would be revegetated with the approved seed mix. Seeds will come from nursery plant stock grown on the Mineral Materials Sales Area or adjacent Martin Marietta-owned area, or would be obtained in standard containers with seed name; lot number; net weight; and percentages of purity, germination, hard seed, and maximum weed seed content clearly marked for each seed type. Seed supplies would not contain the seeds of any state recognized noxious weed species. A certificate stating that each seed lot has been tested by a laboratory with respect to the above requirements would be delivered with the seed. |

| Measure Number | Resource Potentially Affected | Voluntary Design Feature ⁶ (Yes/No) | Required by BLM (Yes/No) | Required by Existing Permit ⁶ (Yes/No) | Operator and BLM Proposed Design Features |
|--------------------|-------------------------------|--|--------------------------|---|--|
| REC-05 | Reclamation | Yes | No | No | The Reclamation Plan will be updated to ensure the operator's adherence to CPW's recommendations for landscape feature designs benefitting bighorn sheep and other wildlife. |
| REC-06 | Reclamation | No | Yes | Yes | The BLM would coordinate with Martin Marietta, Fremont County, and CDRMS to ensure that modifications to the existing reclamation plan for current operations that are to be applied to the BLM-administered sale area are consistent with BLM reclamation standards. |
| REC-07 | Reclamation | No | Yes | No | The BLM RGFO Solid Minerals Final Reclamation Standards (Appendix E) presents aspects for which detailed information or reclamation protocols would need to be developed and committed to by Martin Marietta prior to any BLM issued contract for mining activity on public lands in the proposed sale area. |
| AQ-01 ¹ | Air Quality | Yes | No | No | Haul roads would be watered regularly to control dust and will also be treated with a chemical dust suppressant such as calcium or magnesium chloride. |
| AQ-02 ³ | Air Quality | No | No | Yes | Adequate soil moisture would be maintained in topsoil and overburden to control dust emissions during removal. Watering would be implemented if necessary. |
| AQ-03 ³ | Air Quality | No | No | Yes | Dust emissions from material handling (i.e., removal, loading, and hauling) would be controlled by watering at all times unless natural moisture is sufficient to control emissions. |
| AQ-04 ³ | Air Quality | No | No | Yes | Emissions from blasting would be controlled by delay action detonators and sequential blasting practice to control emissions of Particulate Matter. |
| AQ-05 ³ | Air Quality | No | No | Yes | Industry best practices would be used during all activities associated with blasting to minimize emissions of particulate matter. |
| AQ-06 ³ | Air Quality | No | No | Yes | Material stockpiles would be watered as necessary to control fugitive particulate emissions. Aggregate materials would be sprayed with water during material loading into the storage bins or stockpiles, as needed, to control dust. |
| WR-01 ² | Water Quality | Yes | No | Yes | Storm water and excess ground water would be captured in settling ponds on site and not discharged until they meet the limits set by a Clean Water Act NPDES permit for discharge to Tallahassee Creek. The discharge water is sampled on a monthly basis to ensure that it meets required standards of the Clean Water Act and the State of Colorado. |

| Measure Number | Resource Potentially Affected | Voluntary Design Feature ⁶ (Yes/No) | Required by BLM (Yes/No) | Required by Existing Permit ⁶ (Yes/No) | Operator and BLM Proposed Design Features |
|--------------------|-------------------------------|--|--------------------------|---|---|
| WR-02 ⁴ | Water Quantity | No | No | Yes | The wells on the private property are no longer present and monitoring of groundwater is no longer required. The observation borings on the BLM property are only permitted as temporary and will require re-permitting if they are to remain. A surface water and groundwater monitoring plan for the quarry expansion onto public lands will be developed in cooperation CDPHE as a requirement of the ROD. |
| WR-03 ⁵ | Water Quality and Quantity | No | Yes | Yes | BMPs to be implemented to control sedimentation included in the Project Stormwater Management Plan include: <ul style="list-style-type: none"> • Installation of sedimentation ponds, silt fences, and wattles to control sediment transport in surface water runoff from disturbed areas • Site grading (i.e., diversion dikes and berms, vegetated swales and natural depressions) to stabilize exposed areas and contain runoff • Erosion controls (i.e., check dams, rip rap, drop structures, rock socks, and erosion blankets) to stabilize drainages and exposed areas • Concurrent reclamation and revegetation of disturbed areas with mining progress • Conservation and maintenance of riparian buffers adjacent to streams |
| HM-01 ² | Hazardous Materials | Yes | No | Yes | Diesel fuel for equipment is stored in a 10,000-gallon double-walled tank with an active leak detection system. The site has a spill containment plan in place and a spill containment receptacle for storage of the fuel nozzle. The tank is also surrounded by a fenced enclosure and bollards to minimize the chance that equipment could hit the tank. |
| HM-02 | Hazardous Materials | No | Yes | No | In the event that the Colorado Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) regulations are approved, the BLM will include measures to ensure mining operations are consistent with those regulations, as applicable. |
| CS-01 | Cadastral Survey | No | Yes | No | The operator would identify and protect evidence of the Public Land Survey System (PLSS) and related Federal property boundaries prior to commencement of any ground-disturbing activity as directed in 43 CFR 3809.420 and CO Rev Stat §18-4-508 (2016). In the event of obliteration or disturbance of the Federal boundary marker, the operator would immediately report the incident in writing to the BLM Area Officer. |

| Measure Number | Resource Potentially Affected | Voluntary Design Feature ⁶ (Yes/No) | Required by BLM (Yes/No) | Required by Existing Permit ⁶ (Yes/No) | Operator and BLM Proposed Design Features |
|----------------|-------------------------------|--|--------------------------|---|---|
| | | | | | <p>The BLM Cadastral Survey would determine how the marker is to be restored.</p> <p>In rehabilitating or replacing the evidence, the responsible party would reimburse the BLM for costs or, if instructed to use the services of a Certified Federal Surveyor, procurement shall be per qualification-based selection. All surveying activities would conform to the Manual of Surveying Instructions and appropriate State laws and regulations. The BLM Cadastral Survey would review local surveys before being finalized or filed in the appropriate State or county office. The responsible party would pay for all survey, investigation, and administrative costs as well as penalties.</p> |
| TW-01 | Bighorn Sheep/Big Game | No | Yes | No | <p>A timing limitation from November 1 to April 30 would be enacted to eliminate disturbance to bighorn sheep and mule deer during critical winter periods to avoid an adverse impact. This measure would be applied to the initial year of mine expansion activity only, as bighorn sheep are anticipated to acclimate to disturbance during subsequent years of active mining.</p> <p>The seasonal timing limitation would also be implemented on an annual basis for mine areas where reclamation groundwork (slopes and revegetation) has been completed. Human encroachment, including overflights, would also be minimized to the maximum extent possible from November 1 to April 30 to encourage winter use by bighorn sheep and other big game in reclaimed habitat.</p> |
| TW-02 | Migratory Birds/Raptors | No | Yes | No | <p>Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern, no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 to July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision would not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.</p> <p>An exception to this timing limitation would be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.</p> |

| Measure Number | Resource Potentially Affected | Voluntary Design Feature ⁶ (Yes/No) | Required by BLM (Yes/No) | Required by Existing Permit ⁶ (Yes/No) | Operator and BLM Proposed Design Features |
|----------------|-------------------------------|--|--------------------------|---|--|
| TW-03 | Raptors | No | Yes | No | For compliance with the Migratory Bird Treaty Act and the Memorandum of Understanding between the BLM and the USFWS required by Executive Order 13186, the BLM must avoid actions, where possible, that result in a “take” of migratory birds. Martin Marietta would have a qualified biologist conduct raptor nest surveys prior to any new significant surface disturbance activities within suitable habitat. If active raptor nests are located, Martin Marietta would coordinate with the BLM to establish appropriate nest activity buffers in adherence with CPW’s recommended raptor buffer distances. Any activity that could disturb the nesting raptors would be avoided in the established activity buffer until the nest is no longer in-use, or as directed by the BLM. Surface-disturbing activities would commence once the nest fledges. |
| TW-04 | Special Status Plants | No | Yes | No | Pre-construction surveys would be conducted within the proposed area of disturbance for all special status plant species that have potential habitat, as determined by the BLM, in the sale area. While the BLM may direct Martin Marietta to avoid areas containing special status plant species populations, contract stipulations in the sale area do not prohibit development that could have a direct physical impact on these populations. Interim and final reclamation should aim to restore areas of potential habitat for sensitive plant species identified during pre-construction surveys. |
| NW-01 | Noxious Weeds | No | Yes | No | Areas associated with the mining operation, including pits, roads, stockpiles, reclaimed areas and surrounding areas will be regularly monitored (at least once annually during the growing season) for the presence of weeds. If present, all Colorado list A and B noxious species (or any species required to be controlled per applicable Federal, State, or local regulation) will be treated by an applicator licensed with the Colorado Department of Agriculture at least annually, using appropriate herbicides. Other species may be treated if it is necessary to meet reclamation or other management objectives. If annual treatments are not effective in controlling or eradicating the infestation, then multiple treatments per year may be required. Treatments shall be coordinated with the RGFO weed program lead to ensure compliance with BLM’s pesticide application protocols, including use of RGFO approved chemicals, and proper application and monitoring record submission to RGFO, and to ensure effectiveness of treatment. |

| Measure Number | Resource Potentially Affected | Voluntary Design Feature ⁶ (Yes/No) | Required by BLM (Yes/No) | Required by Existing Permit ⁶ (Yes/No) | Operator and BLM Proposed Design Features |
|----------------|-------------------------------|--|--------------------------|---|---|
| WT-01 | Wetlands | No | Yes | Yes | BLM would require the operator to coordinate with the U.S. Army Corps of Engineers to receive a jurisdictional determination for potential aquatic features within the sale area. The U.S. Army Corps of Engineers' jurisdictional determination within the sale area will be documented in the BLM material sale contract. |
| AW-01 | Aquatic Wildlife | No | Yes | No | In the event of a high-water event or failure, considerations for protections of aquatic wildlife and habitat would be covered in the Stormwater Management Plan (SMP) and Spill Prevention, Control, and Countermeasures (SPCC) Plan. |
| HR-01 | Haul Road | No | Yes | No | Engineered designs for the haul roads will be provided to BLM for review, prior to any contract issuance. |
| GM-01 | Growth Media Stockpiles | No | Yes | No | Growth Media Stockpiles that are not anticipated to be used within six months of excavation would be seeded to establish a vegetative cover for stabilization and protection from erosion. |

Sources: ¹ Mine and Reclamation Plan (Martin Marietta 2016); ² Resource Economics 2019; ³ CDPHE Construction Permit #00FR0687F; ⁴ 1997 CDRMS 112 Permit M-97-054; ⁵ Martin Marietta Stormwater Management Plan; ⁶ Design features required under state and local permits are not considered voluntary.

Mitigation Measures and Additional Requirements

| General Mineral Materials Mining Terms and Conditions | |
|---|---|
| 1 | The operator is required to comply with 43 CFR 3600, associated contracted issued and the approved Mine and Reclamation Plan. |
| 2 | Compliance with applicable State and Federal laws. |
| 3 | The permittee and/or operator is responsible for obtaining and maintaining written access authorization(s). Relinquishment, loss, or forfeiture of this right will result in the termination and cancellation of this contract without liability to the United States. If requested, the permittee and/or operator will provide a copy of this agreement. |
| 4 | The permittee and/or operator is responsible for keeping an accurate account of material removed and this record shall be available for inspection. A summary of rock removal by date is required. |
| 5 | Copies of all current certifications associated with scales used in association with this contract must be submitted to the BLM. |
| 6 | Access across BLM lands associated with this mining area is considered part of this contract and within the mine permit boundary. |
| 7 | If, in its operation, the permittee and/or operator discovers any cultural remains, monuments or sites, or any object of antiquity subject to the Antiquities Act of June 8, 1906, the Archaeological Resources Protection Act of 1979, and 43 CFR, Part 3, the purchaser shall immediately cease activity and report directly to the AO of the BLM. |
| 8 | All fires set or caused as a result of these operations shall be extinguished without expense to the government. All fires shall be reported to the BLM as soon as possible. |

| Air Resources and Greenhouse Gases (GHG) | |
|---|---|
| 1 | Because criteria pollutant concentrations under Alternative A are not expected to exceed the NAAQS, and regional emissions reductions are expected, no protective/mitigation measures for criteria pollutants are proposed. |
| 2 | The provisions of the Parkdale Quarry's air quality permit that limit criteria pollutant emissions also serve to limit HAP emissions. Because no adverse health effects are expected from HAP emissions associated with the project, no protective/mitigation measures for HAPs are proposed. |
| 3 | The planned decrease in diesel fuel usage at the Parkdale Quarry over time is likely to decrease GHG emissions at the site. Also, Alternative A would decrease emissions regionally as discussed in the section that includes Issue #1. |

| Surface, Ground Water, and Water Quality | |
|---|---|
| 1 | Mitigation of potential impacts to streamflow and surface water and groundwater quality would include monitoring to detect changes to allow for adaptive management of mining practices if adverse impacts are observed. |
| 2 | <p>Groundwater – Mitigation to minimize impacts of groundwater availability to users near the Alternative A location would include monitoring to detect changes in groundwater levels in and around the sale area. If lowered levels are observed in monitoring areas anticipated to directly be affected by the mining activities, then the following protocol will be followed:</p> <ol style="list-style-type: none"> Initiate a focused analysis, at the expense of the operator and in coordination with applicable regulatory agencies, to better determine if the lowered water levels can be attributed to the mining activity. If the lowered water levels can be directly attributed to the mining activity, then the operator will need to initiate actions for timely replacement of affected water supplies by the drilling new wells, deepening existing wells or other comparable action. |
| 3 | <p>Surface Water – If monitoring indicates that reductions in spring flows or streamflows are occurring and that these reductions are being caused by mine induced drawdown, the following measures would be implemented:</p> <ol style="list-style-type: none"> The BLM would evaluate the available information and determine if mitigation is required; If mitigation is required, the Proponent would be responsible for preparing a detailed, site-specific plan to enhance or replace the impacted water resources. The mitigation plan would be submitted to the BLM identifying drawdown impacts to surface water resources. Mitigation would depend on the actual impacts and site-specific conditions and could include a variety of measures including flow augmentation, and on-site or off-site improvements). Methods for providing a new water source or improving an existing water source may include, but are not limited to: <ol style="list-style-type: none"> Installation of a water supply pump in an existing well (e.g., monitoring well) – this could provide replacement water for directly impacted Cactus Mountain Spring and Parkdale Spring Installation of a new water production well (expensive) Piping water from a new or existing source Installation of a guzzler Enhanced development of an existing seep to promote additional flow Fencing or other protection measures for an existing seep to maintain flow |

| Surface, Ground Water, and Water Quality (cont.) | |
|---|---|
| 4 | An approved site-specific mitigation plan would be implemented followed by monitoring and reporting to measure the effectiveness of the implemented measures. If initial implementation were unsuccessful, the BLM may require implementation of additional measures. |
| 5 | Revoke withdrawal for Federal Reserved Water Rights on two springs – Cactus Mountain and Parkdale. |

| Lands with Wilderness Characteristics | |
|--|--|
| 1 | No protective or mitigation measures would avoid or minimize the reduced acreage of wilderness characteristics that apply to the Echo Canyon area. |

| Visual Resources | |
|-------------------------|--|
| 1 | As described in Alternative A, concurrent reclamation of mine areas for which mining has been completed would be implemented. This would allow for vegetation to establish where mining has been completed, while mining activities are in progress elsewhere within the proposed sale area. Concurrent reclamation would result in reduced impacts to visual resources and visual contrast. |

RATIONALE

Pursuant to 43 CFR § 3601.6, it is BLM's policy to make mineral materials available unless it is detrimental to the public interest to do so; to sell mineral material resources at not less than fair market value; and to protect public land resources and the environment and minimize damage to public health and safety during the exploration for and the removal of such minerals.

Based on the location for the proposed mineral materials sale, the co-located processing and distribution network already in operation and the continually increasing public demand for aggregate material, the proposed mineral material sale is consistent with BLM laws, regulations and policy.

This EIS is the initial step in a series of multiple federal, state and local agency authorizations and therefore consists of a broad analysis framework in some resource areas that the BLM does not have direct jurisdiction over. In implementing the BLM selected alternative decision, there would be a series of steps taken by the operator and other agencies, prior to any BLM contract issuance:

1. Following an authorization decision by the BLM, permitting and associated public processes would be initiated with the Colorado Division of Reclamation, Mining and Safety (CDRMS), as well as Fremont County.
2. If the CDRMS and county processes result in the ability for the applicant to move forward, then the applicant would pursue obtaining and amending all federal, state and local authorizations needed for mining in the Sale Area.

3. Once all of the applicable authorizations have been adequately obtained and amended, BLM would then review all of this additional information and modify any proposed stipulations to the pending contract accordingly.
4. After the completion of this process, BLM would conduct a competitive sale and issue the competitive contract, with option of renewal, to the successful bidder.

The maximum contract term allowed is 10 years. Before renewing a contract, BLM will perform additional environmental analysis as required, and may require the operator to adopt additional measures. In addition, BLM will ensure that the final contract stipulations are consistent with the EIS analysis, by conducting the necessary coordination and review prior to any contract issuance.

In addition, the BLM is required to perform a minimum of four inspections annually for operations of this magnitude. Other federal, state and local agencies with jurisdiction over these types of operations will also have required inspection and enforcement protocols in accordance with their regulations. This frequent interaction with operations allows for continued coordination and implementation of new and/or updated requirements that may emerge throughout the life of the contract.

Based on the analysis conducted in the EIS, it is my decision that the competitive sale of mineral materials will be allowed to move forward, as described in Alternative A. Alternative A includes the footprint that would minimize the visual impacts from key observation points, as well as the area to the south of affected groundwater, as it relates to the proposed mining. The analysis, in addition to multiple agencies also being involved in permitting and oversight of the proposed operations, gives me a high degree of confidence that there will be minimal impacts resulting in negative effects to resources areas.

AUTHORITY FOR THIS DECISION

The authorities under which this decision is being issued include the Materials Act of 1947, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 3600 Mineral Materials Disposal. My decision is issued under the following specific regulations:

- This Proposed Decision is issued under the general authority of 43 CFR 3600.
- This Proposed Decision is issued under the authority of 43 CFR 3601.3; Section 302 of FLPMA (43 U.S.C. 1732) provides the general authority for BLM to manage the use, occupancy, and development of the public lands under the principles of multiple use and sustained yield in accordance with the land use plans that BLM develops under FLPMA. The competitive sale, with option for renewal, will be issued in conformance with the Royal Gorge Resource Management Plan of 1996, as amended.
- 43 CFR §3601.40 Mining and reclamation plans – BLM required the operator to submit a mining plan and reclamation plan prior to beginning the environmental review or issuance of a contract. The operation must not deviate from the plan BLM approves, unless it is modified under § 3601.44.
- 43 CFR §3602.10 Applying for a mineral materials sales contract – For contracts of \$2,000 or more, BLM will require a performance bond of an amount sufficient to meet the reclamation standards provided for in the contract.
- 43 CFR § 602.20 Administration of mineral material sales – The contract will terminate when its term expires; the operator has completed production under the contract or permit and any renewal, and completed required reclamation; or BLM cancels the contract under § 3601.60 et seq. of this part. The operator and BLM may, by agreement, terminate the sales contract at any time.
- 43 CFR §3602.40 Competitive sales –
 - BLM will not issue a competitive contract for the sale of mineral materials for a term exceeding 10 years.
 - Environmental protection requirements. Before renewing your contract, BLM will perform additional environmental analysis, as required, and may require you to adopt additional measures to prevent hazards to public health and safety, and to minimize and mitigate environmental damage.

CONFORMANCE AND COMPLIANCE

The decision is subject to, has been reviewed for, and has been found to be in conformance with the Royal Gorge Resource Management Plan of 1996, as amended (43 CFR 1610.5, BLM 1617.3). The plan conformance review included consideration of:

- Arkansas River Sub-region, decision numbers 1-40, 1-41, 1-42, 1-43, 1-66, 1-67
- Waugh Mountain/Tallahassee Creek Subregion, decision numbers 6-14, 6-20, 6-30, 6-35, 6-36, 6-37, 6-65

PUBLIC INVOLVEMENT AND COMMENTS

The BLM established the project website at <https://go.usa.gov/xy6tn> to provide project information, public participation opportunities, and project documents.

A Notice of Intent (NOI) was published in the Federal Register on July 31, 2019. The NOI notified the public of the BLM's intent to produce an Environmental Impact Statement for a competitive mineral materials sale in Fremont County. A press release was released on July 31, 2019, announcing the publishing of the NOI in the Federal Register and requesting scoping comments. Scoping information was sent to 21 interested parties on August 6, 2019, providing information on the project and upcoming public meeting. Thirty-nine comment submissions were received. Coordination was also conducted with other government agencies to determine interest and eligibility in becoming a formal Cooperating Agency in the EIS process. In addition, the RGFO initiated consultation with 17 tribes identified as having potential interests in the subject area.

On February 7, 2020, a Notice of Availability (NOA) was published in the Federal Register, announcing the availability of the draft EIS for public review. A 45-day comment period for the draft EIS was held from February 7 through March 23, 2020. The RGFO released a notice to the press on February 7, 2020, announcing the draft EIS release and upcoming public meeting. In addition, the draft EIS information was sent to 26 interested parties on February 7, 2020, providing details on the comment period and upcoming public meeting. A public meeting was held on Wednesday, February 26, 2020 from 4:30 to 6:30 pm, at the Abbey in Canon City. A total of 145 comments from 27 comment letters were received on the draft EIS, with 114 comments considered to be substantive. Comments targeted evaluation of issues and the two action alternatives.

The Response to comments is attached to the Final EIS as Appendix N. Comments focused mainly on wildlife, water, and overall aesthetics as well as concerns related to air quality, lands with wilderness characteristics, and the economy. BLM responses included direct written responses to comments as well as data corrections and minor edits to alternatives and analyses in the EIS.

RIGHT of PROTEST and/or APPEAL

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). 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 Royal Gorge Field Office, 3028 E. Main Street, Cañon City, Colorado, 81212. 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, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

SIGNATURE OF THE RECOMMENDING OFFICIAL:

**KEITH
BERGER**

Digitally signed by
KEITH BERGER
Date: 2020.07.24
12:48:33 -06'00'

Keith E. Berger, Field Manager

SIGNATURE OF THE RESPONSIBLE OFFICIAL:

**CATHERI
NE COOK**

Digitally signed by
CATHERINE COOK
Date: 2020.07.24
12:59:10 -06'00'

Catherine L. Cook, District Manager

DATE:
