

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

Royal Gorge Field Office

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Cañon City, CO 81212

OFFICE: Royal Gorge Field Office

PROJECT NUMBER: DOI-BLM-CO-F020-2021-0070-DNA

CASE FILE: COC-074982

PROPOSED ACTION TITLE/TYPE: T.H.E. Aggregate Source Mine Plan – Modification 1

LOCATION/LEGAL DESCRIPTION: 6th Principal Meridian, Fremont County, Colorado
T. 18 S., R. 70 W., secs. 30 & 31.

APPLICANT/OPERATOR: Tezak Heavy Equipment Co., Inc.

A. Description of the proposed action and any applicable mitigation measures

T.H.E. Aggregate Source is a mine that has been operating on the west end of Canon City, Fremont County since 1977. In 2013, mining operations began on BLM managed lands, after the mine reserves were expanded to the west of the established mine site. The expanded mine site was analyzed by the Royal Gorge Field Office through an Environmental Assessment (EA), DOI-BLM-CO-200-2011-0092-EA, with a decision being signed in 2012. This mine site is also permitted with the Colorado Division of Reclamation, Mining and Safety (CDRMS) as M-1977-193. See Figure 1.

A technical revision was submitted by the Operator to the CDRMS for Permit #M-1977-193 in July 2021. This revision proposes that the current working benches of 20' wide by 40' high dimensions will not be used anymore and working benches will start being constructed to meet the final bench dimensions of 30' wide by 40' wide. The final reclaimed bench design will not change from the Mine Plan that is currently in effect (and what was analyzed in the previous EA), this change only addresses the working bench dimensions. In addition, the proposed technical revision is also addressing a revised bond estimate to accommodate acreage changes from the new working bench dimensions, as well as to encompass all phases 1-5, not just the phases being actively mined. Basically, the bonding focus is changing from a phase by phase to the entire site. The method of mining, direction of mining and reclamation plan will not change.

Below are some of the specific details of the technical revision proposal that the operator submitted to CDRMS:

1. A change in Mine Plan that requires 30' wide by 40' high mine bench dimension specification, the same as the final bench dimension specification. All interim working

benches as well as final highwall mine benches will be left no less than 30' wide, eliminating the need to bond for backfilling the mine benches to a 3:1 final slope in the case of premature mining cessation. Regarding the present status of working mine benches exposed at the Phase 2/Phase 3 interface, only the top two benches are 30' wide. Benches 3 through 8 from the top have been left with more than 30' of run. The top two benches will be the first to go at the start of Phase 3 mining.

2. Increase of fully bonded acres within the Phase 1 area (private land only) from 40 acres to 123.3 acres, which includes all areas within Phase 1 permitted area to the 5660' elevation, the present pit floor elevation. The 123.3 acres includes 108.3 acres of pit floor area, 13.7 acres of permanent fines storage located in the southern end of the main pit area and 1.3 acres of haul road accessing the main gate and the southern exit from the mining site. Referencing the Mine Plan narrative in the 2013 permit amendment document, mining of the granite gneiss bedrock may be considered in the future to continue to the 5550' elevation. Prior to permanent mining efforts, extending below the present pit floor elevation (5660'), the operator will formulate and submit mine plan changes via the Technical Revision process to address overall site storm water drainage flow path and stormwater management changes that might be required as well as any other technical issues that may be identified at that time. Presently, the maximum potential of exposed pit floor acreage to be reclaimed via topsoil application and revegetation with native grasses will be realized at the 5660' elevation.
3. The identification of all pit floor areas remaining after final highwall build out in Phases 2, 3, 4 and 5 of the BLM land and the remaining 29 acres of privately owned Phase 5 permitted area. In short, modification addresses bond coverage for all remaining BLM lands as well as all private land currently under permit within the confines of the 5660' pit floor elevation, i.e., 123.3 acres fully bonded private land of the 235 acres of private land permitted, as well as 79 acres of BLM land fully bonded.
4. In order to accurately identify the maximum pit floor area exposed in each Phase area at full build out of highwall benches, a third-party engineering firm (RESPEC) was contracted to produce a final build out map showing the maximum floor area remaining within each Phase area as well as a projected mine bench highwall topographic map that allows for accurate measurement of linear feet of bench run within each Phase area. This map is Figure 2 for purposes of identification of each Phase area's topsoil and revegetation requirements at the time of final highwall build out. This projection of mine site conditions at time of maximum highwall build out also coincides with the maximum potential acres of pit floor remaining, meaning that the maximum potential acreage to be reclaimed is reflected in the bond calculation.

Figure 1. Vicinity Map

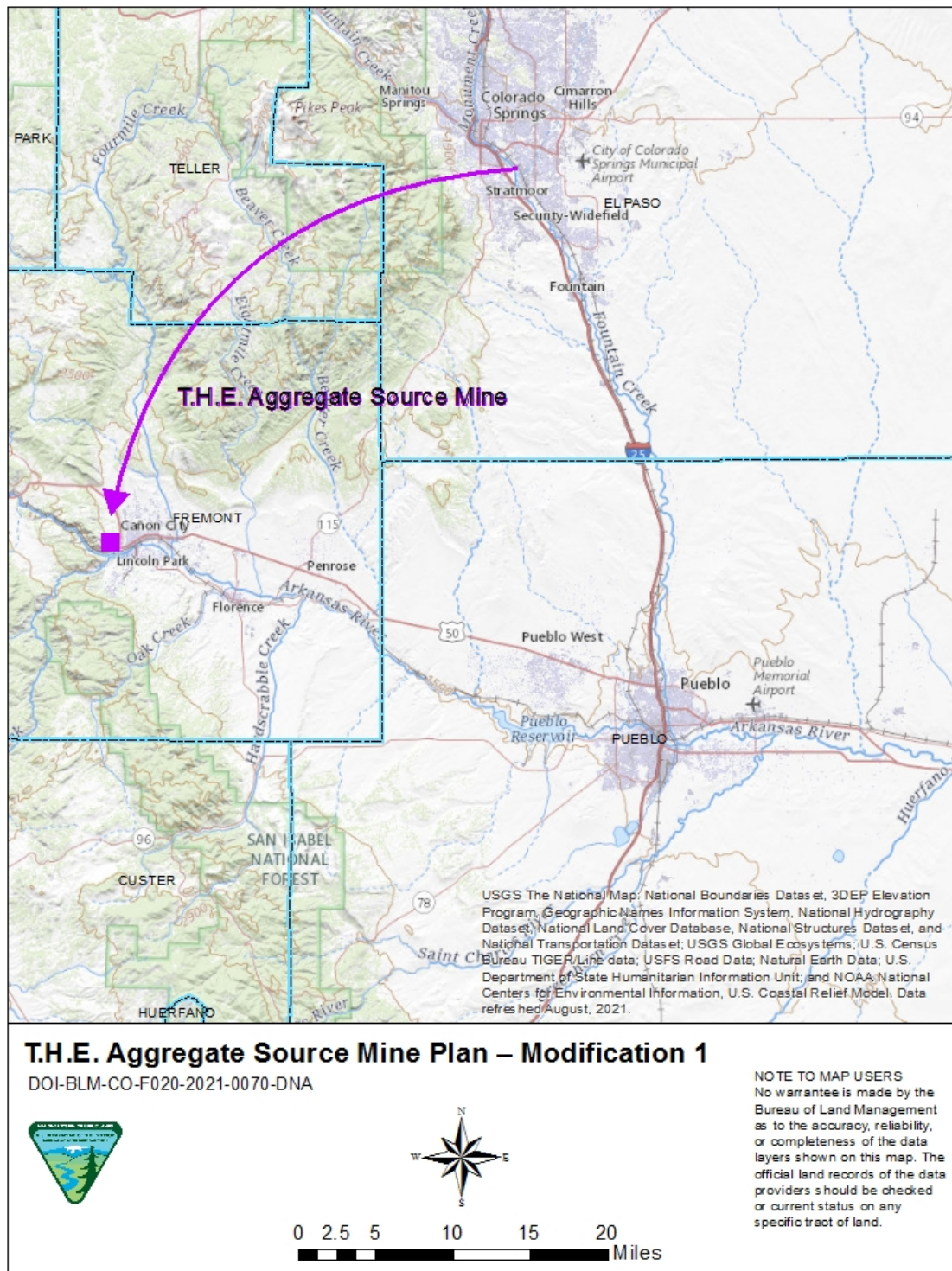
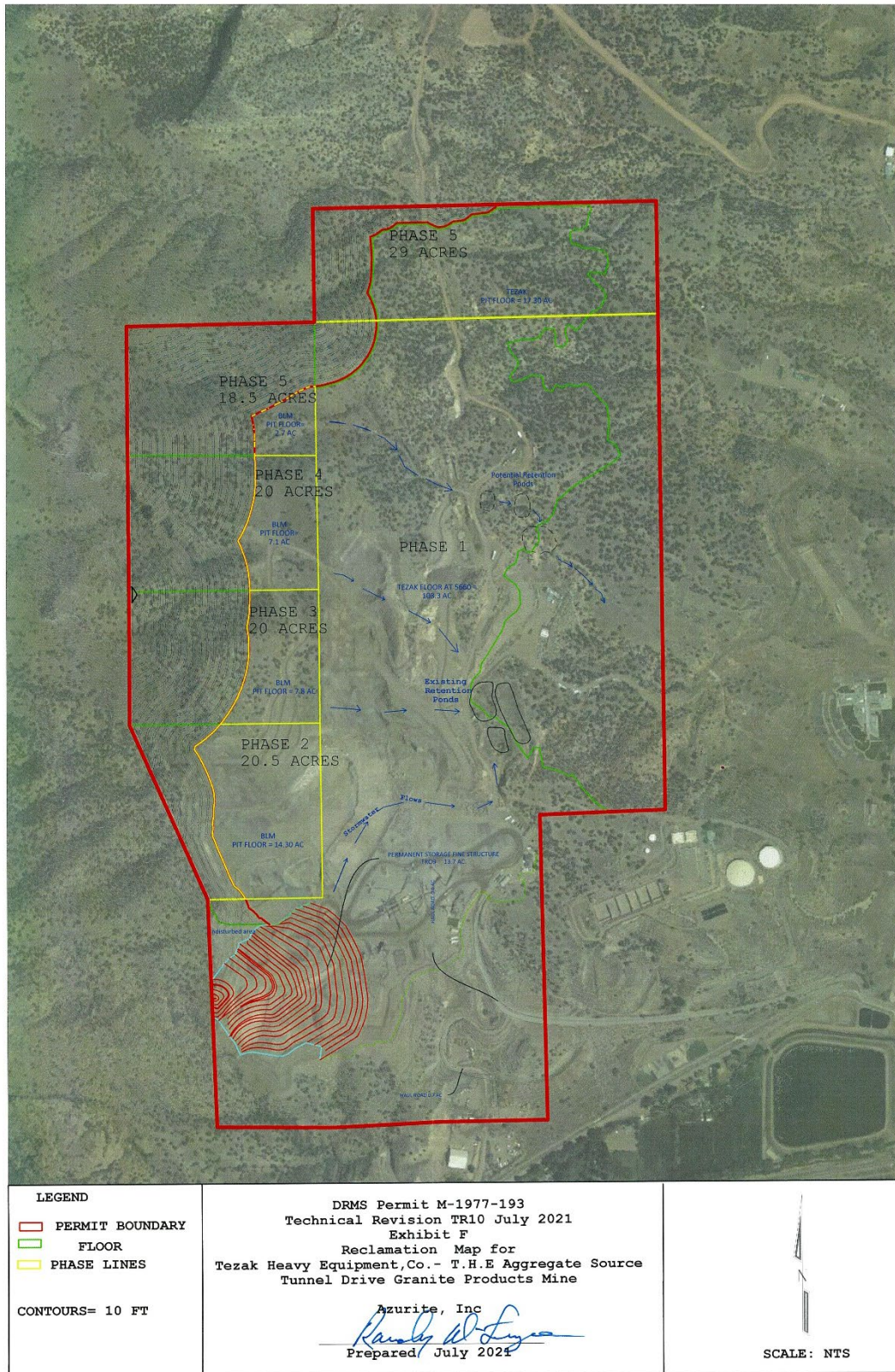


Figure 2. Project Map



B. Land Use Plan (LUP) conformance

LUP Name:	Date Approved:
Royal Gorge Resource Area, Resource Management Plan	May 1996

The proposed action is in conformance with the applicable LUP, because it is specifically provided for in the following LUP decisions:

Decision 1-40/Page 2-1-8: Areas will be open to mineral entry and available for mineral materials development administered under existing regulations, limited by closure if necessary and special mitigation will be developed to protect values on a case-by-case basis

Decision 1-41/Page 2-1-8: Areas will be open to mineral entry and available for mineral materials development under standard mineral operating practices.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

DOI-BLM-CO-200-2011-0092-EA

D. NEPA adequacy criteria

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

The new proposed action is a feature of an alternative analyzed in the above referenced EA, is located within the same analysis area and consists of no substantial differences from what is currently authorized.

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

The range of alternatives analyzed in the above referenced EA is appropriate with respect to this new proposed action.

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

It does not appear that there is any new information or circumstances that would substantially change the analysis of the new proposed action.

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

The effects resulting from the implementation of this new proposed action will not differ from those analyzed in the above referenced EA.

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

The public involvement and interagency review associated with the existing EA are adequate for the proposed action.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW

NAME	TITLE	AREA OF RESPONSIBILITY	INITIALS/DATE
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 9/27/2021
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 9/30/2021
Aaron Richter	Fisheries Biologist	Invasives, Weeds, Riparian, Fisheries	AR, 9/30/2021
Stephanie Carter	Geologist	Solid & Non-Energy Leasable Minerals, Paleontology, Solid or Hazardous Wastes, AML	SSC, 9/14/21
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 9/15/2021
Rebecca Bruno	Cadastral Surveyor	Cadastral Survey	10/5/2021
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	LDS, 9/17/2021
Jeremiah Moore	Forester	Forestry	JLM, 9/16/2021
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 9/28/21
Veronica Vogan	Realty Specialist	Realty	VJV, 9/21/2021
Glenda Torres	Natural Resource Specialist - Fuels	Fire/fuels	GAT, 10/4/2021
Amy Stillings	Economist	Socioeconomics	AMS 9/29/2021
Ty Webb	Fire Management Officer	Fire, Air Quality	TSW, 9/14/2021

Other Agency Represented:

Colorado Division of Reclamation, Mining and Safety

REMARKS:

Cultural Resources: No historic properties were found in the area of potential effect (see report CR-RG-13-055 P). Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Tribal Concerns: No potentially sensitive properties were located during the cultural resources inventory for the undertaking (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: The associated EA remains adequate for analysis.

Terrestrial Wildlife: The associated EA remains adequate for analysis.

Migratory Birds: The associated EA remains adequate for analysis.

Cadastral Survey: Portions of T. 18 S., R. 70 W., were dependently resurveyed in 1983 and the survey status is considered modern. It appears that this project will affect survey monuments established during the 1983 resurvey. The following steps should be followed to protect the location of the monuments.

In the event that the destruction or obfuscation of evidence of the Public Land Survey System (PLSS) is inevitable the following steps must (shall) take place to preserve the original position at the true position of the PLSS corner:

- 1) The threatened PLSS survey monument(s) will be located by BLM Cadastral Survey or Certified Federal Surveyor and referenced with two standard regulation monuments (2 ½" diameter metal post, 28 ins. longs, with attached metal cap, 3 ins. diameter) in locations not expected to be disturbed. The referenced positions shall be recorded and filed per State and county regulation. It is also required that a copy be sent to BLM State Office in the State in which the activity will take place.
- 2) During the reclamation process it will be the responsibility of the developer to have BLM Cadastral or Certified Federal Surveyor re-monument the original position at the true position of the corner(s) with a standard regulation monument (see above). A record of the re-monumented shall be recorded and filed per State and county regulation. It is also required that a copy be sent to the BLM State Office in the State in which the activity will take place.

The steps outlined above are considered surveying activities. All surveying activities will conform to the Manual of Surveying Instructions and appropriate State laws and regulations. BLM Cadastral Survey will review local surveys before being finalized or filed in the

appropriate State or county office. The responsible party will pay for all survey, investigation, penalties, and administrative costs.

A penalty for the unauthorized alteration or removal of any Government survey monument or marked tree is provided in Title 18, U.S.C., Sec. 1858. It reads as follows:

“Whoever willfully destroys, defaces, changes, or removes to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any Government survey, shall be fined under this title or imprisoned not more than six months, or both.” The willful destruction of monuments and corners of an official mineral survey is within the purview of this statute.

CONCLUSION

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Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: Stephanie S. Carter

SUPERVISORY REVIEW: Kim C. Walton

SIGNATURE OF NEPA COORDINATOR: John Smeins

SIGNATURE OF THE RESPONSIBLE OFFICIAL:

Keith E. Berger, Field Manager

Note: The signed Conclusion on this worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.