



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652



In Reply Refer To: 3809 (CON040)
COC072973

June 26, 2020

Certified Mail No. 7019 1120 0000 2943 4340
Return Receipt Requested

Jon Edeen
American Gypsum Company, LLC
740 Highway 6
P.O. Box 980
Gypsum, Colorado 81637

DECISION

PLAN OF OPERATIONS MODIFICATION APPROVED - CONDITIONS OF APPROVAL REQUIRED DETERMINATION OF REQUIRED FINANCIAL GUARANTEE

The Plan of Operations for the American Gypsum Mine is hereby approved subject to conditions of approval listed below. American Gypsum Company, LLC (American Gypsum) must conduct operations as described in the Plan of Operations and in accordance with the following Bureau of Land Management (BLM) conditions of approval (COA):

1. Cultural Resources and Native American Religions Discovery Conditions of Approval

Cultural Resource Discovery Condition of Approval

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Native American Human Remains Discovery Condition of Approval

Pursuant to 43 CFR I 0.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

2. Project materials which could be a hazard to public health, safety or resource values will be stored in appropriate secondary containment. No oil or lubricants will be drained onto the ground surface. (2015 CRVFO RMP Appendix K, BMP MIN-7)
3. Standard secondary containment shall hold 110% of the capacity the largest single tank it contains and be impervious to any oil, glycol, produced water, or other toxic fluid for 72 hours. Earthen berms must be compacted and of fine material that will prevent seepage of any spill to surrounding area. (2015 CRVFO RMP Appendix K, BMP MIN-50)
4. All tanks with a capacity of ten (10) barrels or greater shall be labeled or posted with the following information: A. Name of operator; B. Operator's emergency contact telephone number; C. Tank capacity; D. Tank contents; and E. National Fire Protection Association (NFPA) Label. Smaller chemical storage shall be labeled with contents and NFPA label. (2015 CRVFO RMP Appendix K, BMP MIN-51)
5. All liquids management hoses will be stored inside secondary containment when not in use. (2015 CRVFO RMP Appendix K, BMP MIN-52)
6. All open top tanks, catchments or secondary containment vessels will be equipped with sturdy metal screening to prevent access to wildlife of all sizes to prevent entrapment and drowning of small wildlife. (2015 CRVFO RMP Appendix K, BMP MIN-53)
7. The GSFO Standards for Reclamation Success and Monitoring has been superseded by the BLM NW Colorado District Recommended Outline for Surface Reclamation Planning document. Revegetation success will be determined and monitored according to this document or its latest version.
8. No seeding will occur until seed tags and/or other official documentation of the correct seed mix are submitted and approved by the BLM.
9. BLM requires every new version of Spill Prevention, Control and Countermeasure.
10. Comply with all Colorado Department of Public Health and Environment permit requirements and dust control plan for development and operations at the mine and nearby gypsum processing facility.

11. Where Plans propose a mine life longer than 10 years, the BLM will include provisions in the approval decision for periodic reviews. Section 3809.431(c) can then be used to evaluate whether there are any changes in circumstances or conditions that may warrant requiring the operator to submit a Plan modification. (H-3809-1)
12. All routes shall be built and maintained to BLM Manual Section 9113 standards for road shape and drainage features or where appropriate BLM Manual Section 9115 standards for primitive roads. For drainage crossings, culverts should be sized for the 50 year storm event with no static head and to pass a 100-year event without failing. Site specific conditions may warrant BLM to require designs for larger events (e.g. 75-100 year storm events). Large culverts and bridges shall be designed and constructed per BLM Manual 9112 (large culverts and bridges). Large culverts and bridges shall be designed to pass a 100-year storm event (minimum). (2015 CRVFO RMP Appendix K, BMP MIN-23)
13. The operator is responsible financially for suppression costs for all wildfires which the operators, employees, clients, or participants start.
14. In the event of inadvertent discovery of significant paleontological resources (that is, vertebrate fossils, or fossils of high importance and quality), all work in the immediate area of the fossil must cease and BLM officer contacted in order to determine mitigation measures necessary, to include excavation for curation of significant fossils by BLM-permitted paleontologist, as per Paleontological Resources Protection Act of 2009 (as amended).
15. The operator must be in compliance with all applicable federal, state and local laws and regulations. The operator must obtain all appropriate federal, state and local authorizations and permits.
16. The Colorado Department of Public Health and Environment is the recognized regulatory authority for air quality. However, potential changes in emissions that would exceed thresholds analyzed in the BLM's EA should consider additional analysis (e.g. new near field NO₂-1 hour modeling) and monitoring.

Financial Guarantee Required

A financial guarantee, acceptable to the authorized officer, shall be furnished by American Gypsum no later than one year prior to any new surface disturbance in the expansion area or at such earlier date as may be specified by the authorized officer. The amount of this bond shall be determined by the authorized officer. You must provide a financial guarantee using one or more of the acceptable financial guarantee instruments listed under 43 CFR 3809.555. The financial guarantee must be provided to the BLM Colorado State Office, Solid Minerals Adjudication, 2850 Youngfield St., Lakewood, CO 80215. That office will issue you a decision as to the acceptability of your financial guarantee. You must not begin activities under the approved Plan of Operations until you receive notification from the BLM Colorado State Office that the financial guarantee has been accepted and obligated.

Approval of a Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claim involved in the mining operation. American Gypsum is responsible for obtaining any use rights or local, state, or Federal permits, licenses, or reviews that may be required for the operation.

This decision also constitutes concurrence with American Gypsum's use and occupancy of public lands as described in the approved Plan of Operation. American Gypsum must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2, 3715.2-1, and 3715.5 throughout the duration of the approved Plan of Operations. Concurrence by the BLM on American Gypsum's proposed use and occupancy is not subject to State Director Review, but may be appealed by adversely affected parties directly to the Interior Board of Land Appeals as outlined below.

APPEALS.

All of the documents supporting this decision are available for the review by the public. In accordance with Title 43 CFR 4.410, any party to a case who is adversely affected by the decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals (Board).

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 the Bureau of Land Management, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, Colorado 81652 with copies sent to the: Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, Colorado 80215; Department of the Interior, Office of Hearings and Appeals, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. See Information on Taking Appeals to the Interior Board of Land Appeals (Form 1842-1) for further information.

If you wish to file a petition pursuant to regulation at 43 CFR 3256.11 or 43 CFR 3200.5 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 listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

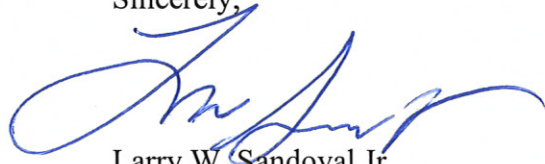
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to 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.
4. Whether the public interest favors granting the stay.

If you have any questions, please contact Wendy Huber (Planning & Environmental Coordinator) at (970) 876-9036.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry W. Sandoval Jr.", with a large, stylized initial "L" and a long, sweeping underline.

Larry W. Sandoval Jr.
Field Manager