

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

American Colloids
Amendment 13.5

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0134-DNA

For Further Information Please Contact:

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BLM



Worksheet
Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
 Bureau of Land Management (BLM)

BLM Office: Miles City Field Office

NEPA Number: DOI-BLM-MT-C020-2013-134-DNA

Case File/Project No: MTM 77811

Proposed Action Title/Type: Modification to Plan of Operations MTM 77811

Location/Legal Description: Sections 1, 2, 11, & 12; Township 9 South, Range 57 East, PMM.

A: Description of the Proposed Action: The mine plan has been modified for portions of sections 1, 2, 11 & 12; Township 9 South, Range 57 East, PMM. The attached map shows the mine plan revision and the modified boundaries. The new proposed disturbance not previously accounted for is approximately 93.8 acres of BLM administered surface and 134.4 acres on private surface. Of this approximately 91.2 acres on BLM and 90.7 acres on private would be for bentonite excavation pits; the remaining disturbance would be for preparation and administrative areas. These areas were covered by the baseline environmental studies that are contained in Amendment 10 & 12. Furthermore, this proposed disturbance is within the existing mine permit boundaries which were analyzed in the environmental assessments for amendments 10 & 12.

Applicant: American Colloid Company

County: Carter

DNA Originator: Nate Arave, Solid Minerals Geologist

B. Land Use Plan (LUP) Conformance

LUP Name*Powder River Resource Plan Date Approved: 1985

Other document** _____ Date Approved _____

Other document** _____ Date Approved _____

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

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

The proposed action analyzed in this document is within the geographic area covered by the Powder River Resource Area Resource Management Plan (RMP), approved March 15, 1985, and is in conformance with this plan. The Powder River RMP Record of Decision of 1985, states on page 3 “(Locatable Minerals) Mineral exploration and development in the Resource Area will continue to be administered through existing surface and mineral management regulations (43

CFR 3800 and 43 CFR 3809).”

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions)

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

List by name and date all applicable NEPA documents that cover the proposed action.

Environmental Assessment for American Colloid Company Amendment 12 to Plan of Operations MTM 77811 and State of Montana Mined Land Reclamation Permit No. 00297 Carter County, Montana, February 2011.

[DOI-BLM-MT-O2O-2010-281-EA](#)

Environmental Assessment for American Colloid Company Amendment 10 to Plan of Operations MTM 77811 and State of Montana Mined Land Reclamation Permit No. 00297 Carter County, Montana, July 2005

DOI-BLM-MT-O2O-2004-176-EA

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

Cultural Reports MT-020-13-155 and MT-020-13-212

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 existing analyses are adequate with regard to the proposed action. The referenced EAs analyzed impacts related to mining bentonite in the same geographic area. No significant new information or circumstances related to the proposed action have developed since completion of the referenced EAs.

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, resource values? Yes the alternatives in the EA’s analyzed mining within the existing permit boundaries on lands directly adjacent to the proposed new disturbance. This analysis addressed current environmental concerns, interests and resource values.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action? The new disturbance will be subject to the same terms and conditions as amendment 12 to include the habitat recovery and replacement plan. The existing analyses are adequate with regard to the proposed action. No significant new information or circumstances related to the proposed action have developed since completion of the referenced EA.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? Yes, the actions proposed would have the same direct and indirect impacts as those analyzed and addressed in the referenced EAs as mining would still occur within the existing permit boundaries and the effects of this mining will be the same in context and intensity as the currently authorized mining.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes, the public had the opportunity to review the referenced EAs. In addition, the RMP/FEIS had public and interagency involvement and review while being prepared.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Bobby Baker	Wildlife Biologist	Wildlife	5/20/13 BJB
Doug Melton	Archaeologist	Cultural Report	6/10/13 DM Cultural Reports MT-020-13-155 and 212
Chris Robinson	Hydrologist	Hydrology	5/8/13 CWR
Matt Lewin	Rangeland Management Specialist	Range	6/3/2013 MJL
Pam wall	Realty	Realty	04/30/2013/pw
Nate Arave	Solid Minerals Geologist	Geology	NLA 4/25/13
Dan Benoit	Supervisory Physical Scientist	Review	06/10/13 DAB



Environmental Coordinator

7/22/2013

Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented: The Habit Recovery and Replacement plan from Amendment 12 is attached to the end of this document and will be applicable to all activities conducted under this amendment.

The following conditions of approval will also apply:

1. If any cultural values (sites, artifacts, human remains, etc.) are observed during operations, they are to be left intact and the Miles City Field Manager notified. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is immediately to stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days, the AO will inform the operator as to:
 - A. whether the materials appear eligible for the National Register of Historic Places;
 - B. the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

- C. a timeframe for the AO to complete an expedited review under 35 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

2. American Colloid Company will conduct reclamation activities in accordance with regulations found at 43 CFR 3809 and will employ the mining, erosion control and reclamation measures found in the Plan of Operations and the Habitat Recovery and Replacement Plan.
3. The plan of Operations is subject to mitigation measures outlined in the Habitat Recovery and Replacement Plan.
4. Haul roads shall be watered to suppress dust, so that there is no visible dust trail from bentonite hauling, construction, or reclamation.
5. Proper traffic control and safety signs shall be installed on the Ridge Road near the new access point. This shall include signs advising motorists of trucks entering the road as well as a stop sign for the haul trucks at the road entry point.

CONCLUSION

- 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 NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked



Todd D. Yeager
Field Manager
Miles City Field Office

7/25/2013

Date

Map 1. Location of Proposed New Bentonite Mining

