

**United States Department of the Interior
Bureau of Land Management**

Finding of No Significant Impact
Environmental Assessment DOI-BLM-MT-0010-2013-0015-EA
Case File Number: MTM 105421

Wyo-Ben, Inc.
1M Amendment 2 Plan of Operations MTM 105421 and
State of Montana Mined Land Reclamation Permit No. 1771

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Date
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INTRODUCTION:

In June of 2012, Wyo Ben, Incorporated (WBI) of Greybull, Wyoming submitted an amendment to their existing Plan of Operations in the Bear Canyon area near Warren, MT. The Plan amendment (MTM 105421) was subsequently revised in February of 2013.

MTM 105421 proposes to increase the permit area by 940 acres, of which 554.7 acres would be disturbed. Surface disturbance is not authorized on all the lands within the permit boundary. BLM completed Environmental Assessment DOI-BLM-MT-0010-2013-0015-EA to analyze the potential environmental impacts from the mining activities and mitigation measures proposed in MTM 10542.

The existing Plan of Operations currently contains 246.2 acres, which includes a disturbance footprint of 84.7 acres. The proposed Amendment would increase these totals to 1,186.2 and 639.4 respectively. Of these acres, 84.7 have been reclaimed and are currently awaiting bond release. The proposed Amendment would increase the current life of mine by about 10 years

The act of Bentonite mining is jointly authorized by BLM (where federal lands or minerals are involved) and the Montana Department of Environmental Quality's Opencut Bureau under the Montana Opencut Mining Act. The current and proposed mining activities are being conducted under Mt-DEQ permit 1771. BLM and MDEQ have determined that one EA would be prepared to satisfy requirements of both the National Environmental Policy Act (NEPA) 43 USC §4321 et seq., and Montana Environmental Policy Act (MEPA). Although only one EA has been developed, separate decisions will be issued. Therefore, this decision applies only to those activities managed by BLM. Decisions pertaining to areas of regulatory authority of the Mt-DEQ will be issued separately.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with and consistent with the Billings Field Office Resource Management Plan, 1984, as amended. The 1984 Plan was issue driven and did not specifically address mining of locatable minerals, other than to recognize valid existing rights such as mining claims, on page 4, second paragraph.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon my review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not necessary. This finding is based on the context and intensity of the project as described below:

Context: The project is a site specific action directly involving 940 acres, (of which 554.7 acres would be disturbed). The lands are administered by the BLM and are not internationally, nationally, regionally, or of state-wide importance. The lands are located adjacent to other public and private lands being utilized for the same purpose currently and in the past.

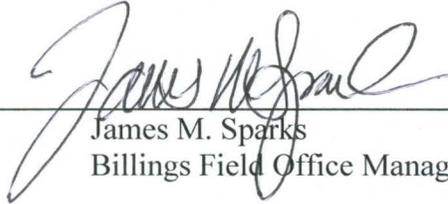
Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. **Impacts may be both beneficial and adverse.** The proposed action would affect resources as described in the EA. Mitigating measures to reduce impacts to: air quality, cultural resources, wildlife habitat, and water quality/stormwater discharge, were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant.
2. **The degree to which the selected alternative will affect public health or safety.** Only negligible impacts to public health and safety were identified, including: air quality, water quality and traffic, all of which were addressed by the application of Best Management Practices.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been inventoried and potential impacts mitigated by avoidance in the design of the selected alternative. The following Critical Elements of the Human Environment and Other Resource Issues are not affected because they are not present in the project area: Areas of Critical Environmental Concern, Prime or Unique Farmlands, Wild and Scenic Rivers, wetlands/riparian areas, waste (hazardous or solid), floodplains, and wilderness.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of the action are well known and not highly controversial. Only two responses were received from the public during the comment period including one from the proponent.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas, including the lands immediately adjacent to the lands now under consideration. The environmental effects to the human environment are fully

analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. A cultural inventory has been completed for the proposed action, and consultation with SHPO has been completed in accordance with Section 106 of the NHPA and they have concurred with a statement of “no adverse effect” on cultural resources.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list.** Mitigating measures to reduce impacts to Greater sage-grouse have been incorporated into the design of the action alternatives and further stipulated as part of the Decision Record. Although Greater sage-grouse occasionally utilize a portion of the project area, it has been determined that they will only be minimally affected due to their infrequent use of the area and the less than optimal quality of the habitat.
10. **Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and

tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, letters were sent to 3 Native American tribes concerning consulting party status, and there was no response from any of the tribes. Follow up phone calls were initiated with the tribes, and the Crow Tribe indicated their interest in visiting the site with BLM personnel. On April 24, 2014 the Crow Tribal Historic Preservation Officer Emerson Bull Chief visited several of the cultural sites with BLM personnel and concurred with proposed avoidance strategy.



James M. Sparks
Billings Field Office Manager



Date