

**Finding of No Significant Impact (FONSI)**  
**Environmental Assessment DOI-BLM-MT-B050-2015-015-EA**  
**Two Amendments to the Plan of Operation File Number MTM 104496**

Two amendments to the approved Plan of Operation proposing to remove approximately 7,250 tons of waste rock material were submitted by Moen Builders LLC under 43 Code of Federal Regulation 3809. The waste material is located on Bureau of Land Management administered land (T 2 S, R 3 W, PMM, Section 15) west of Pony, Montana. The plan is to remove the material and haul it to the Golden Sunlight Mill located east of Whitehall, Montana for processing. The projects were submitted as two amendments to the currently approved Plan of Operation, MTM 104496 and are known as the Old Joe and the MN 55. The MN 55 amendment also discussed removal of an additional 2,500 tons of material from patented land adjacent to public land that would pass through the crusher site on public land.

**Finding of No Significant Impact**

Based on the analysis of potential environmental impacts contained in the Environmental Assessment, I have determined that the action of removing the waste rock material will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

The reasons for the Finding of No Significant Impact are that the environmental protection measures proposed in the Plan of Operations along with the mitigation measures listed in the associated Environmental Assessment will reduce or eliminate the impacts created by the proposed action. In addition, removal of the material and subsequent reclamation will have a positive effect on the landscape and will potentially eliminate a possible problem that has existed for over 100 years.

**Decision**

It is my decision to approve the Plan of Operation as detailed in the complete plan submitted by the operator on July 18, 2014 and November 14, 2015 and analyzed in the Environmental Assessment.

**Monitoring**

A BLM representative will conduct regular field inspections throughout the removal process for compliance with the approved Plan of Operations. Field compliance inspections will be documented in the project file in the Dillon Field Office of the BLM.

**Public Comments**

On February 17, 2015, the BLM issued a press release informing the public that the Plan of Operation was available for public comment. The comment period ran until March 17, 2015. Written comments were received along with a number of phone calls and emails requesting the Plan of Operation and asking questions.

A public meeting was held on the evening of October 30, 2014 at the gym in Pony, Montana. Approximately 70 people were in attendance. The main concerns were public safety, dust, road condition, sediment in the streams, noise and noxious weeds.

### **Rationale**

As a result of the analysis in the Environmental Assessment, it has been determined that the proposed action will not result in significant impacts or unnecessary or undue degradation of the public lands. The proposed action is in conformance with the Dillon Resource Management Plan, February, 2006. The implementation of the proposed action will allow the operator to exercise their rights under the Mining Law to remove the material while preventing unnecessary or undue degradation of the public lands.

The project as described in the Plan of Operations along with the mitigation measures listed in the associated Environmental Assessment will not result in undue or unnecessary degradation.

It was also determined that no significant additional degradation above what currently exists could result from the proposed action. It is expected that removal of the tails by the proponent will have a positive effect by removing any potentially degrading contaminants from the environment.

The No Action Alternative was not selected because it will not allow the proponent to conduct the proposed mining activities. The General Mining Law of 1872 gives the claimant the right to explore, discover, and diligently develop the mineral deposit(s) on open public lands in a prudent manner.

### **Appeals**

Within 30 days of receiving the signed decision, a party adversely affected by this decision, may ask the BLM State Director to review the decision or bypass State Director review and directly appeal to the Interior Board of Land Appeals (IBLA). Procedures for requesting a State Director review or filing an appeal with IBLA are detailed in 43 CFR 3809.800 to 3809.809. During the pendency of a State Director review or IBLA appeal, this decision will remain in effect unless a written request for a stay of the decision is granted.

/s/ Keith Johnson

7/15/2015

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(for) Cornelia Hudson  
Dillon Field Manager

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Date