

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT
AMERICAN COLLOIDS COMPANY, PLAN OF OPERATIONS ALZADA SOUTH MTM 106199
AMENDMENT 11 SOUTH ALZADA
DOI-BLM-MT-C020-2014-0157**

BACKGROUND

The origin of the environmental assessment was due to a request from American Colloids Company for an amendment to their Montana Department of Environmental Quality (MDEQ) Opencut Mining Permit 190 requiring a Plan of Operations (POO) be filed with the Bureau of Land Management (BLM) Miles City Field Office (MCFO). The American Colloid Company (ACC) submitted the Plan of Operations to the MCFO June 27, 2013 for bentonite mining, near Alzada in Carter County, Montana. Amendment Eleven would add 228.7 acres (all BLM managed) to the existing 4,747.6 acre MDEQ Opencut Permit. Within the existing permit boundary approximately 2.3 acres are BLM administered surface, and the remainders are private owned surface. The project area is located in Carter County, Montana, approximately ten to eleven miles west of Alzada and one to two miles south of the Ridge Road, near the Montana and Wyoming state line. Approximately 132 acres would be affected by ACC's proposed mine plan over ten years.

The BLM completed an Environmental Assessment DOI-BLM-MT-C020-2014-0157 for the ACC POO serialized by BLM as MTM 10619. The Environmental Assessment (EA) analyzed the potential environmental impacts from the mining activities and mitigation measures proposed in Amendment Eleven. This EA is tiered to Environmental Assessment DOI-BLM-MT-C020-2013-34 which analyzed Amendment 13 to the Plan of Operations for the Alzada North Area. This document analyzed the effects of bentonite mining by ACC in the same general area as this proposed action. This document defines the decisions to be made for a POO action as well as the various agency roles and responsibilities. This document analyzed effects to resources to include the cumulative effects of mining bentonite and included Alzada South area within the area of Reasonably Foreseeable Development.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2014-0157), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in Record of Decision for the **Powder River Resource Area Management Plan**.
- (2) The Proposed Action is in conformance with the Record of Decision for the Powder River Resource Area Management Plan; and
- (3) The Proposed Action does not constitute a major Federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action would occur in sections 29, 32 and 33, Township 9 South, Range 58 East, PMM in Carter County, Montana, designated as available for locatable mining in the Powder River RMP, as amended. The RMP anticipated that bentonite mining would occur. 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). Therefore the proposed action is in accordance with the Powder River RMP.

Under the Proposed Action, Amendment Eleven would increase the permit area by 228.7 acres, all of which are

Federally owned (BLM Managed). Surface disturbance is not authorized on all the lands within the permit boundary. The Montana Open Cut Permit currently contains about 4,747.6 acres (Permit 190).

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

- 1. *Impacts that may be both beneficial and adverse.*** The EA considered both potential beneficial and adverse effects. Beneficial, adverse, direct, indirect and cumulative environmental impacts have been disclosed in the EA. Mitigating measures to reduce impacts to the various resources were incorporated in the design of the proposed action. These additional mitigation measures are included in the Proposed Action Alternative. The mitigation measures in the Proposed Action Alternative have been developed in close cooperation with American Colloids Company; the Montana Department of Fish, Wildlife and Parks; and the Montana Department of Environmental Quality. None of the environmental impacts discussed in detail in the EA are considered significant. The EA also disclosed beneficial impacts from the proposed project to the local economy and to local and state tax revenues. None of the effects are beyond the range of effects analyzed in the Powder River Resource Management Plan, as amended, to which the EA is tiered.
- 2. *The degree to which the proposed action affects public health and safety.*** The selected alternative will minimize or eliminate adverse impacts to public health and safety. American Colloid Company currently possesses or will obtain all necessary permits from appropriate State and Federal agencies for protection of the environment and human health and safety from permitted mining activities.
- 3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*** A 2005 and 2013 cultural resource inventory of the Amendment Eleven Area determined there are no cultural sites or isolated finds. Unanticipated discoveries of cultural material found during mining activities would be administered through the cultural resource protocol in American Colloid's Amended Plan of Operations and in accordance with 43 CFR 3809.420(b)(8).
- 4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*** No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action. The impacts on the quality of the human environment are not likely to be highly controversial. The proposed action would take place within the mine permit boundary area where ACC has been mining bentonite since 1977 and close to the bentonite mining operations conducted by the Bentonite Performance Minerals Company. The bentonite mining area is located in a sparsely populated, rural area where mining and livestock grazing are the two major land uses. The proposed action is not unique to the area.
- 5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*** The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EA's and EIS's. The proposed action is not unique or unusual because BLM and the State of Montana have approved several similar actions in the same geographic area. The proposed action, including construction, mining, operating and reclaiming activities, is similar to past mining activities in the area, and the potential impacts from the proposed project are reasonably expected to be similar. The impacts of these past mining activities are documented in previous NEPA documents as well as monitoring data collected by BLM, State and American Colloids Company. Environmental effects analyses showed that the proposed action does not involve highly uncertain, 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.*** This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action would authorize a Plan of Operations and continue the various bentonite mining activities within the larger permit area where mining has been occurring since 1977. The impacts of these past mining activities are known and have not led to any significant impacts. It is reasonable to expect similar impacts from any future bentonite mining activities in this area. The decision does not constitute a decision in principle concerning a future action or consideration. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP, as amended.
7. ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*** The BLM evaluated the proposed actions in context of past, present and reasonably foreseeable actions. The environmental analysis did not show significant impacts from the proposed actions by themselves or in addition to past, present and reasonably foreseeable future actions in the general area. No significant cumulative impacts were identified or predicted. The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Powder River RMP, as amended.
8. ***The degree to which the action may adversely affect districts, sites, highways, structures, or 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 historic resources.*** The cultural resources survey conducted in 2010 did not discover any sites eligible for the National Register of Historic Places. 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. Unanticipated discoveries of buried cultural resources would be administered through application of standard cultural resource stipulations included in American Colloids Plan of Operations.
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 (ESA).*** This proposed action does not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the ESA. No endangered or threatened species or their habitat are known to exist within or adjacent to the project area. The project area is located within the range of the Northern Long Eared Bat (NLEB). This species is proposed for listing under the ESA. The project proponent has agreed to remove all trees which meet the habitat criteria for NLEB from the areas to be disturbed under this project between October 1 and April 1 to avoid effects to the NLEB.
10. ***Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*** The proposed action does not threaten to violate any Federal, State, or local law.

Todd D. Yeager
Field Manager
Miles City Field Office

Date