



WYOMING GAME AND FISH DEPARTMENT

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February 23, 2012

WER 12819  
Department of Environmental Quality  
Land Quality Division  
Cash and North Fork Amendment Applications  
Permit No Mine 339C, TFN 5 5/274 and 5 3/277  
Black Hills Bentonite, LLC  
Johnson County

Mark Rogaczewski  
Land Quality Division  
Department of Environmental Quality  
2100 West 5<sup>th</sup> Street  
Sheridan, WY 82801

Dear Mr. Rogaczewski:

The staff of the Wyoming Game and Fish Department has reviewed the Cash and North Fork Amendment Applications for Permit No Mine 339C, TFN 5 5/274 and 5 3/277 submitted by Black Hills Bentonite, LLC in Johnson County. We offer the following comments for your consideration.

Terrestrial Considerations:

Wyoming DEQ, Land Quality Division, is reviewing two amendments to mine Bentonite in southern Johnson County. The North Fork Amendment is comprised of BLM, private and state surface ownership whereas the Cash Amendment is comprised of private and state surface ownership. No crucial big game winter range is identified in the amendment areas. The permit amendment boundaries are located adjacent to a sage-grouse core area as defined in the State of Wyoming Executive Order for Greater Sage-grouse Core Area Protection (Order 2011-5). Three occupied sage-grouse leks are located within core habitat near the core area and project boundaries. In fact, the one-quarter mile buffer of the Mesa Corrals Lek extends outside the core area boundary and encompasses a portion of the project area. The Mesa Corrals Lek was last documented as active in 2001, 2002 and 2003 with 6, 1 and 1 male(s) observed, respectively. The Mayoworth Lek is an occupied lek documented active in 2007, 2008 and 2009 with 20, 2, and 9 males, respectively. The Mesa Cowcamp Lek was active each of the last 10 years with a peak male attendance of 43 males in 2005. The two mile buffers of each of the three leks overlaps a portion of the amendment areas.

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Since the amendment areas are located outside core area habitat, core area stipulations do not apply. We recommend standard non-core stipulations be applied to protect the core area leks. This includes no surface occupancy within one-quarter mile of the Mesa Corrals Lek. Additionally, we recommend a March 1<sup>st</sup> to May 15<sup>th</sup> seasonal timing stipulation for noise levels at the core lek perimeters that should not exceed 10 dBA above ambient noise from 6:00 p.m. to 8:00 a.m.

If needed, we suggest a meeting of involved parties to discuss acceptable mitigation measures for these projects.

**Aquatic Considerations:**

To minimize impacts to the aquatic resources of nearby waterways, we recommend the following:

- Accepted best management practices be implemented to ensure that all sediments and other pollutants are contained within the boundaries of the work area. Disturbed areas that are contributing sediment to surface waters as a result of project activities should be promptly re-vegetated to maintain water quality.
- Equipment should be serviced and fueled away from streams and riparian areas. Equipment staging areas should be at least 300 feet from riparian areas.
- Preventing the spread of aquatic invasive species (AIS) is a priority for the State of Wyoming, and in many cases, the intentional or unintentional spread of organisms from one body of water to another would be considered a violation of State statute and Wyoming Game and Fish Commission Regulations. To prevent the spread of AIS, we recommend the following:

If equipment has been used in an area known to contain aquatic invasive species or suspected to contain aquatic invasive species, the equipment will need to be inspected by an authorized aquatic invasive species inspector certified in the state of Wyoming prior to its use in any Wyoming water. If aquatic invasive species are found, the equipment will need to be decontaminated.

Decontamination may consist if either 1) Drain all water from equipment and compartments, Clean equipment of all mud, plants, debris, or animals, and Dry equipment for 5 days in summer (June, July & August); 18 days in Spring (March, April & May) and Fall (September, October & November); or 3 days in Winter (December, January & February) when temperatures are at or below freezing,

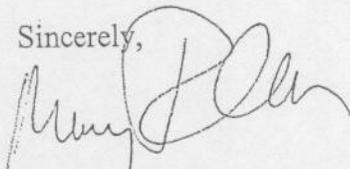
Or

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2) Use a high pressure (3500 psi) hot water (140°F) pressure washer to thoroughly wash equipment and flush all compartments that may hold water.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Paul Mavrakis, Sheridan Region Fisheries Supervisor, at 307-672-7418 Ext. 236. Or Dan Thiele, Senior Wildlife Biologist, at 307-684-2801.

Sincerely,



 John Emmerich  
Deputy Director

JE/mf/gb

cc: USFWS  
Paul Mavrakis, Sheridan Region  
Lynn Jahnke, Sheridan Region  
Dan Thiele, Sheridan Region

