

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
CASPER FIELD OFFICE  
FINDING OF NO SIGNIFICANT IMPACT**

**Pinnacle Materials Incorporated  
Douglas Quarry Expansion Project**

**DOI-BLM- WY-060-EA11-15**

**Case File Number: WYW-179865**

**BACKGROUND**

The Bureau of Land Management (BLM) Casper Field Office (CFO) has completed an environmental assessment (EA) DOI-BLM- WY-060-EA11-15 examining the potential environmental impacts of increasing production of crushed stone for aggregate at the Douglas Quarry Expansion Project. The project is located approximately 2 miles off of State Highway 91 approximately 7 miles southwest of Douglas, Wyoming. More specifically, the project is located in SW¼, Section 33, T. 32 N., R. 72 W., 6th P.M., Converse County, Wyoming. The proponent/applicant is Pinnacle Materials Incorporated.

The Douglas Quarry project area encompasses approximately 40 acres of split estate lands, private surface overlaying federal minerals. The Douglas Quarry Expansion Project would be an expansion of the existing 10 acre Douglas Quarry. The existing Douglas Quarry was analyzed by Environmental Assessment WY-060-04-034, Decision Record (DR) dated 06/22/2005 for the Huxtable Quarry, currently referred to as the Douglas Quarry and permitted by Wyoming Department of Environmental Quality, Land Quality Division permit #ET1322.

Three alternatives were analyzed in detail: the Proposed Action; Alternative B-mining at a reduced rate; and a No Action Alternative.

The EA analyzed proposed activities on BLM managed mineral estate that include increased production of crushed stone for aggregate from an existing quarry site through: drilling and blasting, crushing and screening, aggregate hauling, and reclamation. Disturbance associated with quarry expansion on BLM mineral estate would be approximately 36 acres.

The Proposed Action would meet the underlying need to mine crushed stone to be used as aggregate in the local market area under the authority of the mineral material disposal laws of the United States, while ensuring that operations are conducted in a manner that prevents unnecessary or undue degradation and conforms to the management prescriptions in the BLM land use plan.

The BLM CFO released a project scoping statement on February 7, 2011, and the public was given the opportunity to comment on Pinnacle's proposal to expand production at the Douglas Quarry until March 8, 2011. These public scoping comments have been considered and are summarized in the EA. The proposed project was logged into the BLM Wyoming NEPA register and posted in the CFO public room. The BLM also gave the public a 30-day opportunity, beginning January 31, 2012, to review the EA online:

[http://www.blm.gov/wy/st/en/info/NEPA/documents/cfo/Douglas\\_Quarry.html](http://www.blm.gov/wy/st/en/info/NEPA/documents/cfo/Douglas_Quarry.html)

## **FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the EA; (2) the Proposed Action is in conformance with the Resource 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 or as articulated in the letters of comment.

### **Context**

The Douglas Quarry Expansion Project is a site-specific action directly involving approximately 36 acres of BLM-administered mineral estate land. Under the Proposed Action, mining and hauling of up to 1 million tons per year would occur and mining operations and reclamation would be completed in 5 years. Alternative A would maintain existing production rates of 280,000 tons per year with mining operations and reclamation completed after 16 years. The No Action Alternative would require immediate reclamation of the existing quarry upon expiration of the current Contract for the Sale of Mineral Materials.

### **Intensity**

I have considered the potential intensity/severity of the impacts anticipated from the Douglas Quarry Expansion Project Proposed Action decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

**1. *Impacts that may be both beneficial and adverse.***

The environmental assessment considers both beneficial and adverse impacts of the proposed action and alternatives. The analysis concludes that the proposal will have minimal impacts on the resources as a result of implementing the proposed action described in the EA. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant. Implementation of the mitigation measures will also provide protection measures for the resources.

Adverse effects include temporary impacts to air quality, noise, water resources, soils, vegetation, wildlife, land use, visual resources, socioeconomics, and transportation. Aggregate produced from the project would be used in the local commercial market, mainly for construction of roads and well pads associated with oil and gas wells.

**2. *The degree to which the proposed action affects public health and safety.***

The issue of human health and safety is analyzed in detail in the EA. Adverse effects considered include health risks for mine workers and increased risks to public health and safety from expanded aggregate haulage on public roads. Pinnacle Material has entered into a road maintenance agreement with Wyoming Department of Transportation to address haulage issues on State Highways. These impacts are expected to be minimal based on this and other protective measures described in the Proposed Action. No long term adverse public health or safety affects are expected from use of the reclaimed area. Prior to commencing operations the Wyoming Department of Environmental Quality (WDEQ) regulations require the operator to have an approved bond for the cost of reclaiming the area affected by mining. The operator is required to update the reclamation cost estimates with these agencies annually to ensure that bonds are adequate.

**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.***

The following Critical Elements of the Human Environment will not be affected because they are not present in the project area: Areas of Critical Environmental Concern (ACEC), Environmental Justice, Native American Religious Concerns, Prime or Unique Farmlands, Wetlands or Riparian Zones, Wild or Scenic Rivers, and Designated Wilderness or Wilderness Study Areas (WSA). Cultural resource inventories were conducted for the Proposed Action. All identified cultural/historical resources within the project area would be avoided or potential impacts mitigated in accordance with BLM/SHPO requirements. Therefore, no adverse impacts to cultural resources are anticipated from the Proposed Action.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Mining of crushed stone for aggregate from quarry operations has been widely practiced previously in Converse County. The effects of these operations on the quality of the human environment are well known. In general, local area residents favor development of oil and gas in the area, for which aggregate produced from the project would be necessary for construction of roads and well pads associated with these wells. Various environmental groups and local residents closely watch for negative environmental effects. However, based on the number and content of the comments received from the public, the effects on the quality of the human environment after required mitigation are not considered highly controversial.

Public input regarding the Proposed Action has been solicited through a scoping and public review process initiated in February 2011. The BLM received seven written comment. These public scoping comments are summarized in the EA have been considered in the analysis. The EA were available for a 30-day public review and comment period, which ended on March 1, 2012, during which the BLM received one written comment letter from Wyoming Game and Fish. Their comments are addressed below:

*Comment:* Please be advised that this area receives use by a variety of raptor species, particularly golden eagles. We recommend surveys be conducted or data obtained on golden eagle and ferruginous hawk nest locations. We recommend maintaining a disturbance free zone around active nests per the dates and distances shown below.

Ferruginous Hawk	March 1-July 31	1 mile
Golden Eagle	January 15-July 31	½ mile

*Response:* Previous inventories of raptor nesting activities show that no documented nest sites are located within the potential disturbance zone of the quarry, therefore a raptor nesting stipulation will not apply.

*Comment:* As this area is susceptible to cheatgrass infestation, we recommend the reclamation plan include a control plan for cheatgrass within the weed management plan as well. In addition, the final reclamation plan should include seeding native grasses, forbs, and shrubs endemic to the immediate area.

*Response:* The Operator is responsible for noxious weed control, as designated by the state of Wyoming, on disturbed areas within the boundaries of the permit and native areas infested as a direct result of the project. The control methods would be in accordance with guidelines established by the state and local authorities.

*All final reclaimed surfaces shall be seeded using an approved seed mixture or the seed mix which is specified by the surface owner of the split estate. Following is the proposed seed mix:*

<i>Upland Areas Species</i>	<i>Drill seeding Rate* LBS/ACRE (PLS)</i>
<i>Blue grama (Native)</i>	<i>3.0</i>
<i>Bluebunch wheatgrass (Secar)</i>	<i>2.0</i>
<i>Prairie sandreed</i>	<i>2.0</i>
<i>Western wheatgrass (Rosana)</i>	<i>2.0</i>
<i>Green needlegrass (Lodorm)</i>	<i>2.0</i>
<i>Needle and thread</i>	<i>2.0</i>
<i>Indian ricegrass (Rimrock)</i>	<i>2.0</i>
<i>Lewis flax (Appar)</i>	<i>1.0</i>
<i>Yellow yarrow</i>	<i>1.0</i>
<i>Scarlet globemallow</i>	<i>1.0</i>
<i>American vetch</i>	<i>1.0</i>
<i>Mountain mahogany</i>	<i>1.0</i>
<i>Antelope bitterbrush</i>	<i>1.0</i>
<i>Sumac skunkbrush</i>	<i>1.0</i>
<i>Common snowberry</i>	<i>1.0</i>

*Broadcast application will require double the amount of seed compared to drill seeding rate provided in this table.*

*Comment:* To minimize impacts to the aquatic resources of Bed Tick Creek, we recommend the following.

Accepted best management practices be implemented to ensure that 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.

*Response:* A Storm Water Management Plans (WYPDES Storm Water Permit) will be required on all BLM projects of more than 1 acre. Silt fences and straw bale sediment traps would be used in accordance with the plan to prevent the introduction of sediment to runoff water.

Equipment should be serviced and fueled away from streams and riparian areas. Equipment staging areas should be at least 300 feet from riparian areas.

*Response:* The Douglas Quarry site, permitted by BLM, is located at least 3/8 mile from Bed Tick Creek. Fueling of equipment or maintenance of equipment will be done at least 500 feet away from riparian or other open water areas.

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 by 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.

*Response: The Douglas Quarry site is located in an upland area above Bed Tick Creek. If equipment has been used in an area known to contain aquatic invasive species or suspected to contain aquatic invasive species, BLM recommends that as part of their permitting process, Wyoming Department of Environmental Quality, Land Quality Division coordinate this issue with Wyoming Game and Fish.*

**5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

The Proposed Action is not unique or unusual. 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 Proposed Action does not establish a precedent for future BLM actions with significant effects and does not represent a decision in principle about a future consideration.

**7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

The cumulative impacts have been addressed in the EA. Ongoing, planned or reasonably foreseeable activities that have been taken into account include the Douglas Quarry, continued and possibly increased oil and gas development, Pioneer Wind Farm, as well as livestock grazing and limited recreation.

A complete disclosure of the cumulative effects of the project is contained in Chapter 3 of this EA. Through these analysis it is determined that no significant cumulative impacts would result from the proposed action.

**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.***

Cultural resource surveys completed for the Proposed Action discovered a Native American cultural site eligible for nomination to the National Register of Historic Places outside of the existing quarry permit area but within the proposed Douglas Quarry Expansion. In order to prevent any impacts to this cultural site, Pinnacle has revised its original mine plan to preclude disturbance to the cultural site. As a result, Pinnacle's original proposal to extract 6 million tons of additional aggregate was revised to 4.6 million tons. 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. Mitigation measures are in place to protect resources that might be discovered during the course of operations.

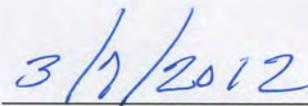
**9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.***

Inventories indicate that no threatened or endangered species or habitat, are known to occur within the project area. Therefore, no affect is expected from the project.

**10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The project does not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. Federal, state, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Although several comments were received, none of the respondents identified a violation of applicable environmental laws, regulations, or other requirements. In addition, the project is consistent with applicable land management plans, policies, and programs. The BLM would make regular inspections to ensure compliance with the approved plan of operations. Additionally the Wyoming Department of Environmental Quality would make regular inspections pertaining to their respective permits.

  
Assistant Field Manager, Minerals and Lands  
Casper Field Office

  
Date