

FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment: WY-050-EA11-100
Wyoming Department of Environmental Quality
(WDEQ numbers: WY001551NCA, WY001485NCA, WY102725NCA)
Township 32N, Range 91W, Sections 13, 14, 23 & 24

Finding of No Significant Impacts:

Based on my review of the analysis of the Day Loma Project Environmental Assessment (EA), I have determined that the Proposed Action is in conformance with the approved land use plan and will not have any significant impact on the human, natural and physical environment.

The EA shows that adverse impacts to the surface ownership/land use and livestock grazing; environmental justice; cultural/paleontological resources and Native American religious concerns; soils/watershed; water resource; air quality; vegetation/wetland/noxious weeds; wildlife/fisheries; threatened, endangered, candidate, and special status species; wild horses; visual resources; transportation; and from the use of hazardous materials will all be minor, short term, necessary and due impacts and that the medium to long range benefit to vegetation, livestock grazing, soils/watershed, water, air quality, vegetation, and noxious weeds will be beneficial. Substantial positive economic impacts will result for the local community through the expenditure of AML funds in the area.

The Lander Resource Management Plan (LRMP) provides for the use of these public lands for land improvements such as this. The Proposed Action will be in conformance with these land use plans, and no amendments to the LRMP will be necessary to implement the Proposed Action

Field Manager, Lander Field Office
Attachment: EA No. WY-050-EA11-100

Date

DECISION RECORD

Environmental Assessment: WY-050-EA11-100
Wyoming Department of Environmental Quality
(WDEQ numbers: WY001551NCA, WY001485NCA, WY102725NCA)
Township 32N, Range 91W, Sections 13, 14, 23 & 24

Introduction:

The Wyoming Department of Environmental Quality, Abandoned Mine Lands Division (WDEQ) applied for Surface Owner Consent to conduct reclamation of Abandoned Mine Lands (AML) on BLM managed lands. The specific proposal is to contour and vegetate lands disturbed in the past at the Day Loma Project in the Gas Hills uranium area approximately 60 miles east of Riverton. The project, approximately 2 square miles in size, includes highwalls dangerous to human and animal safety, high levels of erosion, and degradation of surrounding lands.

Decision:

It is my decision to grant the Surface Owner Consent. The project is on land administered by the Lander Field Office, State of Wyoming. Design features and procedures are included.

Rationale for Decision:

The decision to approve the Proposed Action is based on the following: 1) consistency with resource management plan and land use plan; 2) national policy; 3) relevant resource and economic issues; 4) application of measures to avoid or minimize environmental impacts; 5) finding of no significant impact; and 6) internal scoping comments.

1. Consistency with Resource Management Plan and Land Use Plan

Current policies for development and land use decisions within this area are contained in the *Lander Resource Area Resource Management Plan (RMP) EIS* (BLM 1986) and the *Lander Resource Area RMP Record of Decision (ROD)* [BLM 1987]. The RMP states that soil and water resources will protect and improve the soil and water resources in the planning area.

2. National Policy

Reclamation and remediation of AMLs is national policy: Therefore, the decision is consistent with national policy. See: http://www.blm.gov/wo/st/en/prog/more/Abandoned_Mine_Lands.html

3. Agency Statutory Requirements

The decision is consistent with all federal, state, and county authorizing actions, which are required to implement as part of the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered including whether informal consultation and formal conferencing with the U.S. Fish and Wildlife Service (USFWS) was required. Cultural surveys and compliance with Section 106 of the National Historic Preservation Act have been completed.

4. Relevant Resource and Economic Issues

Potential adverse environmental impacts from the Day Loma project to resources identified in the Environmental Assessment are considered minor in the short term and beneficial in the middle to long

terms. The economic benefits derived from the implementation of the Proposed Action in the form of continuing employment opportunities, equipment, and services are considered important.

5. Application of Measures to Avoid or Minimize Environmental Impacts

Federal environmental protection laws, such as the Clean Air Act, Clean Water Act, and the National Historic Preservation Act, apply to all lands and are included as part the Consent. The adoption of these measures identified in Chapter 2.0 and 4.0 of the EA provide practicable means to avoid or minimize potential environmental impacts. Should conditions warrant, additional measures could be applied to individual permits subject to additional analysis.

6. Finding of No Significant Impact

Based upon the analysis contained in the Environmental Assessment and with the implementation of the protection measures, I have determined that the proposed action will not cause any significant impacts on the human, natural, and physical environment. Therefore, an environmental impact statement is not required. The proposed action will reclaim approximately 550 acres of disturbed federal surface; no private lands are involved.

7. Opportunity for Public Involvement

Scoping is an important part of the National Environmental Policy Act (NEPA) process and is used to determine the scope of issues to be addressed and for identifying the key issues related to a proposed action (40 CFR 1500.7). The scoping process can involve federal, state, and local government agencies, resource specialists, industry representatives, local interest groups, and members of the public. Scoping is an interdisciplinary process. Internal scoping between BLM ID team members and the WDEQ identified issues to be addressed in the EA including economic benefits and reduction in risk to health and human safety and reduction in erosion.

The public was notified of this project by a notice published in the Casper Star Tribune providing a 30 day comment period which ended on May 28th. No comments were received. In the past, members of the public have supported AML work.

Compliance and Monitoring:

Monitoring will be done by the BLM surface compliance technician and geologist to insure compliance with this authorization.

Appeals:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary in accordance with the regulations contained in 43 CFR Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from the receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies

of the notice of appeal and petition for stay must be submitted by each party named in this notice and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant’s success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Field Manager, Lander Field Office
Attachment: EA No. WY-050-EA11-100

Date