

**Finding of No Significant Impact  
And  
Decision Record**

**Jonathon Limestone Quarry**

High Desert District, Rawlins Field Office

August, 2011



The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

**BLM/WY/PL-11/044+1330**

**EA No.: DOI-BLM-WY-030-2011-11210-EA**

**U.S. Department of the Interior  
Bureau of Land Management  
Rawlins Field Office**

**August, 2011**

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## Finding of No Significant Impact (FONSI)

Jonathon Limestone Quarry

Environmental Assessment No.: DOI-BLM-WY-030-2011-11210-EA

### Finding of No Significant Impact:

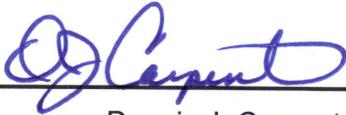
Based on the analysis of potential environmental impacts contained in the attached Environmental Assessment (DOI-BLM-WY-030-2011-11210-EA) (EA); dated July, 2011, I have determined that the Proposed Action will not have significant environmental impacts. Since there are no significant impacts an environmental impact statement is not required. None of the effects of implementing this Proposed Action would have sufficient context and intensity, as defined in section 7.3 of the BLM National Environmental Policy Act Handbook (Manual H-1790-1, page 70), to be considered significant.

The considerations listed in 40 CFR 1508.27(b) (1-10) were used to evaluate the intensity of the effects described in the EA:

1. There would be no significant effects as a result of approving the proposed action. The proposed action would result in both beneficial and adverse impacts.
2. The public's health and safety would not be adversely affected. There would be no adverse social or economic effects beyond those provided for in the EA.
3. Neither the Rawlins Resource Management Plan review nor interdisciplinary review found any unique characteristics in the geographic area or ecologically critical areas which would be adversely affected.
4. The effects of the proposal on the human environment are not expected to be highly controversial.

5. The effects of constructing, operating and reclaiming the actions proposed, as described in the EA, are well known. There would not be a high uncertainty of the effects, nor any unique or unknown risks.
6. This proposal does not set a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.
7. This proposal is not related to other actions or proposals that combined with this Proposal would result in cumulatively significant impacts.
8. The proposal will not adversely affect districts, sites, highways, structures or objects listed in the National Register of Historic Places.
9. The Proposed Action will not adversely affect endangered or threatened species or their habitat that has been determined to be critical under the Endangered Species Act of 1973.
10. Approving the Proposed Action would not violate any Federal, State, or local laws or regulations imposed for the protection of the environment.

**Authorized Official:**



\_\_\_\_\_  
Dennis J. Carpenter

Rawlins Field Manager



\_\_\_\_\_  
Date

## DECISION RECORD

### Jonathon Limestone Quarry

**Applicant/Proponent:** Pete Lien & Sons, LLC

#### Compliance

This Proposed Action is subject to the Rawlins Resource Management Plan (RMP), approved on December 24, 2008. The RMP has been reviewed to determine if the Proposed Action conforms to the land use plan as required by 43 CFR 1610.5-3. Development of locatable mineral reserves is discussed on page 2-16 of the RMP. The Proposed Action is in conformance with the RMP Management Objective to manage public lands to be consistent with goals and objectives of other resource programs.

This Environmental Analysis (EA) is prepared in accordance with National Environmental Policy Act (NEPA) procedures including Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508); U.S. Department of the Interior (DOI) Regulations for Implementation of the National Environmental Policy Act of 1969 (NEPA) (43 CFR Part 46); DOI BLM NEPA Handbook, H-1790-1 (BLM January 2008); Guidelines for Assessing and Documenting Cumulative Impacts (BLM 1994); and the Departmental Manual (DM) part 516. The EA assesses the environmental impacts of the Proposed Action and serves to guide the decision-making process.

#### Decision

I have reviewed the EA, its appendices and the contents of this Decision Record in reaching my decision. It is my decision to select and implement the proposed action. This decision allows the development of a limestone quarry on the national system of public lands as detailed in the EA. Development of access roads, a lime plant and a fine grind plant on private lands nearby would also occur. The quarried limestone would be a locatable mineral resource. Any approval for development of limestone for salable mineral purposes would require further analysis and decisions under the provisions of the NEPA. No materials removed from the quarry or generated in the milling / grinding process will be returned to or disposed of within the quarry including coal combustion residuals.

#### Rationale

Approval of the quarry with the Additional Mitigation Measures and Applicant Committed Environmental Protection Measures detailed in the EA will result in the quarrying of limestone for the creation of fine grind limestone products including flue gas treatment materials, materials for treating biosolids and sludges, for treating animal wastes and other uses including sugar manufacturing, refractory products and the food industry.

#### Public Involvement

The Mine Plan for the Jonathon Quarry was made available for public comments in February and March of 2010. Notification of the public was conducted through notices published in the Laramie Boomerang, BLM news releases and posting of the plan in the Rawlins Field Office in Rawlins, Wyoming and at the Albany County Planning Office in Laramie, Wyoming. The EA, and attached Finding of No Significant Impact were released for public comment in July and August of 2011. Notification was made through news releases, posting on the BLM's internet information system at: <http://www.blm.gov/wy/st/en/info/NEPA/documents/rfo/petelien-jonathon.html>.

#### Appeal

If you do not agree and are adversely affected by this decision, you may request that the Wyoming BLM State Director review this decision. If you request a State Director review, the request must be

received in the Wyoming BLM State Office, P.O. Box 1828, Cheyenne, WY 82003-1828, no later than 30 calendar days after you receive this decision. The request for State Director review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director review is pending, unless the State Director grants a stay. If you request a stay (suspension), you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined. You may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Wyoming State Office to determine when BLM received the request for State Director review. You have 30 days from the end of the 21-day period in which to file your notice of appeal with the Rawlins Field Office, PO Box 2407, Rawlins, WY 82301 which we will forward to IBLA.

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your notice of appeal must be filed in this office within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. BLM form 1842-1 contains further information on taking appeals to the IBLA.

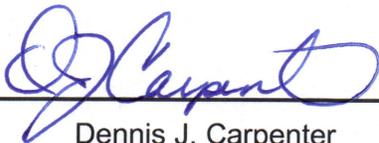
### Request for Stay

If you wish to file a petition (pursuant to regulation 43 CFR 4.21) 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 following standards:

- i. The relative harm to the parties if the stay is granted or denied;
- ii. The likelihood of appellant's success on the merits;
- iii. The likelihood of immediate and irreparable harm if the stay is not granted, and
- iv. IV. Whether the public interest favors granting the stay. The appellant requesting the stay bears the burden of proof to demonstrate that a stay should be granted.

The appellant shall serve copies of the Notice of Appeal and petition for a stay on each party named in this decision from which the appeal is taken, and on the appeals board to which the appeal is taken.

### Authorized Official:



Dennis J. Carpenter

Rawlins Field Manager



Date