

FINDING OF NO SIGNIFICANT IMPACT

WYW-165316 – McClellan Gulch Bentonite Mine Plan of Operations

BLM

Worldland Field Office, Wind River/Bighorn Basin District, Wyoming



JUNE 2014

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.

DOI-BLM-WY-R010-2014-0032-EA

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Environmental Assessment
DOI-BLM-WY-R010-2014-0032-EA
McClellan Gulch Plan of Operations

Introduction:

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-WY-R010-2014-0032-EA) for a proposed action to address the McClellan Gulch Bentonite Mine Plan of Operations submitted by Black Hills Bentonite, LLC in the South Ten Sleep area in Washakie County. The project would allow the operator to mine bentonite on the KC423A, KC424A, & KC425A unpatented placer mining claims. These would be open pit bentonite mines totaling no more than 16.6 acres of disturbance on federal lands excavated in multiple phases using standard bentonite mining techniques and procedures. A pit sequence may take between three and four years to complete, with final reclamation and revegetation taking up to an additional three years or more. The underlying need for the proposal would be met while accomplishing the following objectives:

BLM is considering approval of private exploration and production from federal minerals because the activity is an integral part of BLM's minerals program under the authority of the Mining Law of 1872, as amended. These regulations are issued under the authority of sections 302 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, and 1782). Additionally, mineral exploration and development is recognized as an appropriate use of public lands in the Washakie Resource Management Plan that provides management direction for the area containing the mining claims. As per §43 CFR 3809.1 the purposes of this subpart are to (a) Prevent unnecessary or undue degradation of public lands by operations authorized by the mining laws. Anyone intending to develop mineral resources on the public lands must prevent unnecessary or undue degradation of the land and reclaim disturbed areas. This subpart establishes procedures and standards to ensure that operators and mining claimants meet this responsibility; and (b) Provide for maximum possible coordination with appropriate State agencies to avoid duplication and to ensure that operators prevent unnecessary or undue degradation of public lands.

Federal public domain lands included in this proposal are managed by the Bureau of Land Management (BLM). These lands are covered by placer mining claims which, under federal law of the General Mining Act of 1872 (as amended), give the applicant, Black Hills Bentonite, LLC, the right of access to extract the minerals claimed and to use the surface of the claim area in as careful and prudent manner as may be necessary to facilitate this extraction. The approval of this Plan of Operations through the signing of a Finding of No Significant Impact/Decision Record by the BLM, under the terms of §43 CFR 3809, and the Cooperative Agreement between the Bureau and the State of Wyoming, Department of Environmental Quality - Land Quality Division (DEQ), and the issuance of the Plan Approval letter from BLM, will constitute surface owner consent on those lands.

The McClellan Gulch Plan of Operations will disturb up to 16.6 acres of federal lands, and 2.3 acres of adjacent patented lands for a total of 18.9 acres of disturbance. The project is located in an area of current and past bentonite mining. EA# DOI-BLM-WY-R010-2014-0032-EA is attached and is incorporated by reference for this Finding of No Significant Impact (FONSI). A no action alternative and proposed action alternatives were analyzed in the EA.

Finding of No Significant Impact:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Washakie RMP/FEIS. Therefore, an environmental impact statement is not needed.

This finding is based on the context and intensity of the project as described:

Context:

The proposed project is a site-specific action directly involving approximately 16.6 acres of BLM administered federal land that by itself does not have international, national, regional, or state-wide importance.

Intensity:

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders.

The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse.

The proposed action would impact resources as described in the EA. Mitigating measures to reduce impacts to livestock, wildlife, hydrology, soils, air quality, vegetation, and cultural resources were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the Washakie RMP/FEIS.

2. The degree to which the selected alternative will affect public health or safety

The proposed action is designed to have no effect, or even a positive effect on public health and safety. The proposed action with incorporated design features achieves the balance of resource protection and beneficial uses of the human environment.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

The historic and cultural resources of the area have been inventoried and potential impacts mitigated in the design of the proposed action. The following components of the Human Environment and Resource Issues are not affected because they are not present in the project area: areas of critical environmental concern, prime or unique farmlands, wetlands or riparian zones, wild or scenic rivers, designated wilderness or wilderness study areas, or lands with wilderness characteristics.

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

There is no scientific controversy over the nature of the impacts.

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

The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. 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 – which include connected actions regardless of land ownership.

The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. The cumulative impacts have been addressed in the EA. Ongoing, planned or reasonably foreseeable activities that have been taken into account within the cumulative effects analysis area include the Black Hills Bentonite mining projects, various oil and gas developments, as well as livestock grazing and limited recreation.

A complete disclosure of the cumulative effects of the project is contained in chapter 3 of the 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 other 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 historical resources.

A Class III cultural resources inventory of the project area was conducted. The proposed project will have no effect on known historic properties. 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.

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, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.

Mitigating measures to reduce impacts to wildlife have been incorporated into the design of the action alternatives. No threatened or endangered plant or animal species occupy habitat in the proposed project area.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. 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 DEQ would make regular inspections pertaining their respective licenses and permits.

Authorized Officer

Date