

# FONSI

## Bruce Claims #2, #3, and #5

APRIL 2012

**BLM**

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



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-R010-2011-0053-EA

**FINDING OF NO SIGNIFICANT IMPACT**  
**Environmental Assessment**  
***DOI-BLM-WY-R010-2011-0053-EA***  
***Bruce Claims #2, #3, and #5***

**INTRODUCTION:**

The Bureau of Land Management (BLM) has conducted an environmental analysis (NEPA Number) for a proposed action to address Bentonite Mining Plan of Operations submittal in the Bruce Claims (Ten Sleep) area in Washakie County. The project would allow the operator to mine bentonite in the Bruce Claims #2, 3, & 5 pits. This would be an open pit bentonite mine of no more than 75 acres excavated in multiple phases using standard bentonite mining techniques and procedures. A pit sequence can take between five to ten years to complete. The underlying need for the proposal would be met while accomplishing the following objectives:

Under the authority of the mining laws of the United States, while ensuring that operations are conducted in a manner that prevents unnecessary or undue degradation of public lands and conforms to the management prescriptions in the BLM land use plan.

The Bruce Claims project area pits 2, 3, & 5 are approximately 75 acres in size. Black Hills Bentonite proposes to mine bentonite from approximately 7.6 pit acres, and an additional 5.8 acres may be affected by the placement of roads, overburden stockpiles and topsoil stockpiles. A total of 13.4 acres may be disturbed under this Plan of Operations (POO). EA# DOI-BLM-WY-R010-2011-0053-EA is attached 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 Bruce Claims 2, 3, & 5 POO is a site-specific action directly involving approximately 75 acres of BLM administered 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 EA 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 because 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, nor do the effects exceed those described in the Washakie FEIS. Implementation of the mitigation measures will also provide protection measures for the resources.

Effects include temporary impacts to air, vegetation, soils, visual resources, and recreation. None of these effects exceed those described in the Washakie.

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

The issue of public health and safety is analyzed in detail in the EA. Adverse effects considered include health risks for accidental spills or an inappropriate discharge in the project area. These impacts are expected to be minimal based on the protective measures described in the proposed action.

**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 disclosure of the cumulative effects of the project is contained in chapter 4 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 identified no historic properties. 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 and fisheries have been incorporated into the design of the action alternatives. Although no listed species occupy habitat and the proposed project area is not within a sage grouse core breeding area; portions of it are within the two-mile buffer zone of an active sage grouse lek to the west. No other crucial wildlife habitat has been designated by the Wyoming Department of Game and Fish within the project area and no threatened or endangered wildlife species are known to use the area. The Big Cottonwood Lek was surveyed five times for sage grouse breeding activity between March 29 and April 21, 2011, and was determined to be in an active status. Over the five site visits to the lek, numbers of males ranged from 9 to 15 birds, and females ranged from 0 to 5.

*The operator has proposed the following measures for the protection of wildlife:*

Mining will be conducted in order to minimize impacts to any raptor nest that is active and located within one-half (½) mile of surface disturbing activities during the breeding season of February 1 through July 31. In the event a raptor nest is established immediately adjacent to the surface disturbing activities and it becomes necessary to "take" or remove a raptor nest, the U.S. Fish and Wildlife Service will be contacted as soon as a "take" situation is anticipated. Sufficient lead time will be allowed for developing and implementing a mitigation plan, and to avoid disrupting the mining operation.

In the event that a T & E species is observed on or immediately adjacent to the surface disturbing activities, the U.S. Fish and Wildlife Service - Endangered Species Office located in Cheyenne, Wyoming will be notified and the observations reported. Proper mitigation or avoidance will be conducted for these species through the required coordination with the appropriate management agencies.

Based on correspondence received from the Wyoming Game & Fish Department (WGFD), the WGFD recommends that the standard non-core stipulations for sage grouse be followed for all areas outside sage grouse core population areas. These non-core stipulations recommend that no permanent disturbances should occur within one-quarter mile of active sage grouse leks and no disturbing activities should occur within two miles of active leks from March 15<sup>th</sup> through June 30<sup>th</sup>.

No active leks are located within one-quarter mile of proposed mining activities associated with this update area. The nearest active lek, the Big Cottonwood Lek, is located two (2) miles from proposed surface mining and surface disturbing activities associated with this update area.

In the event that an active sage grouse lek should become established within two miles of surface mining activities on the update area, BHB will adhere to the standard non-core area sage grouse stipulations recommended by the WGFD.

Raptor nests are not present on the update areas but are present within one mile. Future mining will be conducted in order to minimize impacts to any nests that are present or that may become established during the breeding season of February through July. MBHFI species were not common on the study area but will be protected wherever they are found.

Black Hills Bentonite personnel will continue to conduct observations for any activity of wildlife species of major concern. Proper mitigation or avoidance will be conducted for these species through the required coordination with the appropriate management agencies.

In the event that a threatened or endangered species should frequent or become established on or adjacent to the update area, Black Hills Bentonite will contact the BLM, U.S. Fish and Wildlife Service and the Wyoming Game and Fish Department in order to

develop and implement the necessary mitigation measures to prevent disturbance or impacts to any such species.

**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 WDEQ would make regular inspections pertaining their respective licenses and permits.

/s/Fred McDonald

Authorized Officer

4/30/12

Date