

WYW-165139
Washakie County
Septic Waste Disposal Facility
Recreation and Public Purposes Act Conveyance

Wind River/Bighorn Basin District – Worland Field Office



April 2010

The BLM manages more land – 253 million acres – than any other Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western States, including Alaska. The Bureau, with a budget of about \$1 billion, also administers 700 million acres of sub-surface mineral estate throughout the nation. 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.

WYW-165139
EA WY-010-EA09-63

DECISION RECORD (DR) AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)
WYW-165139
Environmental Assessment (EA) WY-010-EA09-63

Decision

This decision is to proceed with the proposed Recreation and Public Purposes sale, WYW-165139, of the BLM-administered public land which is legally described as follows:

Sixth Principal Meridian, Wyoming

T. 47 N., R. 92 W.,

Sec. 22, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

(15.00 acres)

It is my recommendation that the surface estate of the described lands (15 acres) be made available for disposal to Washakie County under the Recreation and Public Purposes Act of June 14, 1926, as amended, (43 U.S.C. 869 et.seq.).

In accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and Executive Order 6910, the lands will be classified for conveyance under the Recreation and Public Purposes Act prior to disposal.

The described lands have been examined in accordance with Section 120(h) of SARA. No recognized environmental conditions and/or any CERCLA 120(h) concerns were identified.

The transfer of surface rights on the public lands will not interfere unreasonably with operations under the Mineral Leasing Act.

I have determined that the proposed project is in conformance with the Record of Decision for the September 1988 Washakie Resource Management Plan.

Finding of No Significant Impact (FONSI)

I have reviewed this environmental assessment including the analyses of potential significant environmental impacts. I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required.

Terms and Conditions

- A. The patent will be subject to all valid existing rights of record on the date of conveyance.
- B. Rights-of-way for ditches and canals will be reserved to the United States (43 USC 945).
- C. All minerals will be reserved to the United States, together with the right to prospect for, mine and remove minerals.

Compliance and Monitoring

The patent will be issued with a modified reverter provision pursuant to the R&PP Amendment Act of 1988. Compliance with the terms and conditions of the patent and the approved Plan of Development will be performed on this land.

Authorized Official: Don Krump
Don Krump
Assistant Field Manager
Minerals and Lands

Date: 4-28-2010

Table of Contents

I. INTRODUCTION	1
A. Need for the Proposed Action	1
B. Conformance with Land Use Plan	1
C. Relationship to Statutes, Regulations or Other Plans	1
D. Background	1
II. PROPOSED ACTIONS AND ALTERNATIVES	3
A. Proposed Actions	3
1. Patent Lands for the Washakie Co. Septic Site	3
B. No Action Alternative	3
III. AFFECTED ENVIRONMENT	3
A. General Setting	3
B. Affected Resources	4
1. Water Resources	4
2. Vegetation	4
3. Wetlands/Riparian Areas	4
4. Geology and Mineral Resources	5
5. Wildlife and Wildlife Habitat	5
6. Cultural Resources	5
7. Livestock Grazing	5
8. Wastes (Hazardous/Solids)	5
9. Recreation	5
10. Existing Rights-of-Record	5
11. Mandatory Items	6
IV. ENVIRONMENTAL IMPACTS	6
A. Impacts of Proposed Actions	6
1. Patent Lands for the Washakie Co. Septic Site	6
B. Impacts of No Action Alternatives	6
1. Not Patent Lands for the Washakie Co. Septic Site	6
V. MITIGATING MEASURES	6
A. Mitigating Measures for the Proposed Action	6
Patent Lands for the Washakie Co. Septic Site	6
B. Mitigating Measures for the No Action Alternative	7

VI.	RESIDUAL IMPACTS	7
	A. Proposed Action	7
	B. No Action Alternative	7
VII.	CONSULTATION AND COORDINATION	7
	A. Persons and Agencies Consulted	7
VIII.	ADDENDUM	8

ENVIRONMENTAL ASSESSMENT
WY-010-EA09-63

I. INTRODUCTION

A. Need for the Proposed Actions

The need for the proposed action is to convey title to Washakie County for 15 acres of Bureau of Land Management (BLM) administered public lands, which the county has identified for acquisition under the R&PP Act for a septic waste disposal site. The septage receiving and treatment facility is being constructed to provide treatment of household domestic septage and municipal wastewater treatment plant biosolids to fill a void which currently exists within Washakie County. The facility is being planned and designed specifically to treat the solids material to a level to produce dry solids which may be acceptable as fertilizer.

B. Conformance With Land Use Plan

The proposed action is consistent with the Record of Decision (ROD) for the Washakie Resource Management Plan (RMP) /Environmental Impact Statement (EIS) which was approved in September, 1988. The ROD states on page 12 that “The disposal of public lands (e.g., transfer from the administration of the BLM) to other federal agencies, or local or state governments, or disposal through methods such asRecreation and Public Purposes leases or patents, will be considered on a case-by-case basis (map 5).” Map 5 identifies an area that encompasses the proposed lands.

C. Relationship To Statutes, Regulations, or Other Plans

The authority for the proposed patent is the Recreation and Public Purposes (R&PP) Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.), which authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes under specified conditions. When BLM-administered public lands are leased or patented under the authority of the R&PP Act these lands must first be classified and opened for lease and/or conveyance pursuant to the authority of the Act of June 28, 1934 (Taylor Grazing Act). It is policy (43 CFR 2740.0-6) that the public lands be leased prior to patent to ensure that the lands are developed and managed in accordance with proposed uses unless there is some potential for the presence of hazardous materials. However, when low levels of hazardous materials are or may be present as part of the intended use of the lands, the lands may go directly to patent.

D. Background

Washakie County filed an application on April 6, 2009, to acquire land for a septic disposal

system site under the authority of the R&PP Act. The proposed system described in the operating plan is summarized below:

- Utilities required – City of Worland water and three phase power. The City of Worland water system is located adjacent to the proposed site and is ideally suited to the needs of this septage facility. The water system is at very high pressure at this location which is needed at the septage facility for flushing sludge out of the lagoon during annual sludge drawoffs. A pressure reducing valve will also be installed for the water to be used at the receiving station. Total water usage at this facility is estimated to be approximately equal to one domestic household, which will not strain the City of Worland water supply.

- Receiving Station – An automatic receiving station, housed in a metal building, will allow contracted haulers access to the building and the ability to connect to and operate the screening, grinding, metering, and inorganic removal equipment via an identification card system. User identification and flow volume will be sent automatically via radio telemetry to Washakie County for billing. Inorganics will be conveyed to a dumpster for landfill disposal via a screw conveyor. Screened septage will flow to the septage treatment and storage lagoon.

- Septage Treatment and Storage Lagoon – This lagoon is a deep reactor, approximately 20 feet deep, which will provide anaerobic digestion and storage of septage solids. The surface area is being sized to try to maintain aerobic conditions to minimize odors. The deep reactor with two to three years of detention time is designed to provide 50% reduction in volatile solids via anaerobic digestion. Liquid effluent from this lagoon will flow to an evaporation cell. Floatables containing scum and grease will be removed with a backhoe and hauled to the landfill after drying. Digested septage solids will be withdrawn once per year and sent to sludge freezing, drying, and composting beds. This lagoon will be lined with an impermeable liner to meet DEQ requirements. It is anticipated that a 30 mil PVC liner, bedded in sand, will be employed as the liner material.

- Evaporation Pond – There will be no discharge from this facility. All liquid which overflows from the septage treatment lagoon will flow to and be evaporated in this cell.

- Freezing, Drying, and Composting Beds – Digested solids will be piped once per year to one of these beds. This will occur during the fall of the year, and the sludge will be placed in the bed to a level of 6 to 8 inches. During the winter, this material will freeze and burst bacterial cell walls. Once this material thaws in the spring, water will be released and will evaporate. Once thawed and dried, the material in the bed will be windrowed, as necessary, to produce a dry fertilizer material. Because of the long detention time in the anaerobic treatment lagoon, septage solids may not be available for drawoff until the third year of operation. As a result, there may be no fertilizer material available until the fourth year of operation.

II. PROPOSED ACTIONS AND ALTERNATIVES

A. Proposed Action

The proposed action is to patent BLM-administered public lands to Washakie County for a septic disposal system site.

The proposed action is detailed below:

1. Patent Lands for the Septic Disposal System

BLM-administered public lands would be patented to Washakie County under the authority of the R&PP Act and development would occur in the form of septage disposal facilities. Washakie County filed an R&PP Act patent application on the following lands:

Sixth Principal Meridian, Wyoming

T. 47 N., R. 92 W.,

Sec. 22, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

(15.00 acres)

(See Photo Pages 1 thru 4 in Exhibit "E" which show photos of the above described lands.)

The proposed patent on the above described lands would contain a reservation to the United States for all minerals together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior (43 CFR 2741.7(d)). The proposed patent would be subject to the approved plan of development and management plans as well as other patent provisions found in 43 CFR 2741.9.

B. No Action Alternative

The no action alternative considers the same components as the proposed action. However, under this alternative, the BLM-administered public lands would not be patented.

1. Not to patent lands which have been described above in the proposed action.

III. AFFECTED ENVIRONMENT

A. General Setting

The proposed site is located in northwest Wyoming about three miles east of Worland and about one half mile north of U.S. Highway 16. (See the attached map, Exhibit "A", which shows the general area and Exhibit "B" which shows the site map.)

The Worland area is generally characterized by cold winters and warm summers with prevailing westerly winds. The mean maximum summer temperature is 89.7 degrees F. and the mean minimum winter temperature is 10.4 degrees F. Mean annual precipitation is 7.4 inches.

The site elevation is approximately 4300 feet with a shrub-grass plant community. Depth to groundwater is 150 to 200 feet below the surface based on well data provided by Environmental Data Resources. The subject property is part of the Bighorn River – Elk Creek sub-watershed draining directly into the Bighorn River approximately 4 miles to the northwest.

B. Affected Resources

1. Water Resources

Although the Bighorn River flows about 4 miles north of the proposed property, the location of the proposed site should not have any effect on the River or nearby riparian areas.

2. Vegetation

Vegetation communities on the project lands are Upland habitats consisting mostly of sagebrush and grasses. Primary species include Wyoming big sagebrush, bluebunch wheatgrass, June grass, needle and thread, Indian ricegrass, bottlebrush squirreltail, and western wheatgrass.

3. Wetlands/Riparian Areas

There are no wetland or riparian areas on site. The site has a small ephemeral drainage running to the northwest.

4. Geology and Mineral Resources

The proposed property is located within the large geologic, sedimentary filled basin known as the Big Horn Basin in northwestern Wyoming. The basin is surrounded by the Big Horn Mountain range on the east, the Bridger and owl Creek Ranges on the south, the Absoraka Range on the west and the influence of the Pryor and Bear Tooth uplifts on the north. The lands being evaluated are composed of Cenozoic sediments and the local formation is the Eocene Willwood (Bestram, 1995).

The Willwood formation is exposed on the land under application. The surface geology is very straight forward as the Willwood, composed locally of gray to tan colored claystones and shales, is nearly flat lying with gentle eroded slopes in the direction of the Big Horn River to the west.

Oil and gas have a high probability of occurrence in the subsurface, with known development potential near the said parcel. The BLM's Solid Mineral Occurrence and Development Potential Report, Bighorn Basin Resource Plan Revision Project (USDI-BLM, 2009) shows the basin area as having a low potential for occurrence and development of solid leasable minerals of coal, oil shale, tar sands and phosphates. The Big Horn Basin has a low potential for coal bed natural gas development. The subject land possesses no known potential for locatable and saleable minerals.

(See Attached Mineral Report Exhibit "F")

5. Wildlife and Wildlife Habitat

The project area provides limited year-round habitat for mule deer and pronghorn antelope. The project area also provides habitat for a variety of nongame species. The project area is within an area designated as potential mountain plover habitat, although none has been observed utilizing this habitat.

There would be a no effect situation on threatened or endangered species that would result from approving the proposed actions. (See the attached memo, Exhibit "C".)

6. Cultural Resources

The proposed site has been evaluated for cultural resources and no cultural resources were identified (See attached cultural report, Exhibit "D").

7. Livestock Grazing

The proposed action would result in the loss of 1.5 AUMs in the Rattlesnake Ridge allotment and would have no impact to the grazing resource.

8. Wastes (Hazardous/Solid)

An Environmental Site Assessment was completed by BLM in April 2010. The investigation identified no Recognized Environmental Conditions associated with the subject property. In addition, no human-caused physical hazards or non-scope issues were identified as a part of the assessment.

9. Recreation

The site may have limited opportunities for hunting, hiking and bird watching.

10. Existing Rights-of-Record

Right-of-ways listed on the Master Title Plats (MTP) and in Automated Land and

Minerals Records System (ALMRS) on the lands which are proposed for patent are:

1. A right-of-way for an oil and gas storage yard for equipment and tubing for operations in the South Frisby Field.

11. Mandatory Items

No threatened or endangered species, prime or unique farmlands, air or water quality (drinking/ground), wild or scenic rivers, invasive non-native species, wild and scenic Rivers, wilderness, environmental justice, flood-plains, ACEC's or known Native American religious concerns would be affected by the proposed action.

IV. ENVIRONMENTAL IMPACTS

A. Impacts of Proposed Actions

1. Patent Lands for the Washakie County Septic Waste Disposal Site

The proposed action would result in minimal environmental impacts after the patent is issued as a result of land clearing and building of the proposed septic waste facilities. It is anticipated that no significant decline in wildlife numbers or wildlife use will result from the proposed action. There are no cultural sites on the proposed lands nor any development potential for solid minerals. Leasable minerals could be developed with stipulations that safeguard the surface facilities.

B. Impacts of No Action Alternatives

1. Not Patent Lands at the Washakie County Septic Waste Disposal Site

The no action alternative would result in the 15 acres of BLM-administered land remaining in federal ownership and continued limited uses as are now present on the lands.

To not patent the lands would be contrary to the R&PP Act which allows land to be conveyed to local government agencies where the land would be operated in accordance with an approved plan of development for the benefit of local communities. If not patented, Washakie County would have to find suitable private lands to develop for the site at a cost considerably above the nominal R&PP cost.

V. MITIGATING MEASURES

A. Mitigating Measures for the Proposed Actions

Patent Lands at the Washakie County Septic Waste Disposal Site

Mitigating measures are part of the standard patent provisions that are found in 43 CFR 2741.9. However, subject to the provisions of the 1988 R&PP Amendment Act, the land would be patented with a limited reverter provision.

Mitigation for the proposed patent area will include monitoring as required by the State of Wyoming Division of Environmental Quality to ensure compliance with the terms and conditions of the DEQ permit. BLM will continue to monitor the site to ensure compliance with the terms and conditions of the plan of development.

Mitigation for the proposed patent will include an indemnification statement which would ensure that Washakie County is aware of the potential for contaminants that may be deposited on the subject lands and the liabilities that could be incurred as part of the hazard material laws. Washakie County would also need to hold the federal government harmless of any future claims related to health hazards associated with operation of the septic waste site.

B. Mitigating Measures for the No Action Alternatives

There would be no mitigation measures for the proposed actions since no actions would be taken (patent of 15 acres under the authority of the R&PP Act).

VI. RESIDUAL IMPACTS

A. Proposed Actions

1. Patent Lands at the Washakie County Septic Waste Disposal Site

There would be the residual impact of the loss of vegetation on the property resulting from development of the septic waste site. The residual impacts would be for the life of the proposed action which would be considered in perpetuity.

B. No Action Alternative

There would be no residual impacts of the no action alternative.

VII. CONSULTATION AND COORDINATION

A. Persons and Agencies Consulted

Wyoming Department of Environmental Quality
Engineering Associates
BLM Resource Personnel

VIII. ADDENDUM

1. Exhibit "A" - Area Map
2. Exhibit "B" - Site Map
3. Exhibit "C" - Wildlife Evaluation
4. Exhibit "D" - Cultural Report
5. Exhibit "E" - Photo Pages
6. Exhibit "F" - Mineral Potential Report
7. Exhibit "G" - ESA Summary