

**Bentonite Mine Plan of Operation Update to
Wyoming Mining Permit 321C
Potato Ridge Block E; WYW-165211**

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

JANUARY 2012



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.

NEPA NUMBER *DOI-BLM-WY-010-EA11-34*

DECISION RECORD

Environmental Assessment: WY-010-EA11-34

Project Name: **Bentonite Mine Plan of Operation Update to Wyoming Mining Permit 321C; Potato Ridge Block E; WYW-165211**

I have reviewed the Environmental Assessment (EA) WY-010-EA11-34 dated January 5, 2012. After consideration of the environmental affects as described in the EA, and incorporated herein, I have determined that the proposed action with the project design specifications identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined that the proposed action is in conformance with the approved Washakie Resource Management Plan, 1988, and is in conformance with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance, (40 CFR 1508.27), both with regard to the context and intensity of impacts described in the EA.

I. DECISION

It is my decision to implement Alternative 1, “the Proposed Action with stipulations and operated committed measures.”

II. ALTERNATIVES CONSIDERED

The Environmental Assessment (EA) for the Project considered three alternatives. Alternative 1, the “Proposed Action” considers the mine and reclamation plan as submitted. This alternative includes certain operator committed measures.

The “No Action” (2) alternative assesses the effects of not approving the mine plan of operations as submitted or implementing any portion of the proposal. Under the No Action Alternative, the WFO analyzed the effects of a denial of any further development associated with this project. This alternative provides a benchmark, enabling the decision maker to compare the magnitude of the environmental effects of the alternatives.

An alternative considering different locations for the conduct of mining and reclamation was dismissed from further consideration as this may remove the operation from lands where the quality or quantity of bentonite is known through exploration and would not meet the operator needs, may be outside of placer claims located by Wyo-Ben Inc., or may be in areas where the bentonite does not outcrop.

III. RATIONALE FOR DECISION

The decision to approve the proposed action is based upon the following: 1) consistency with resource management plan and land use plan; 2) national policy; 3) agency statutory requirements; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts; 6) and public comments. Alternative 1 was chosen as being the most environmentally sound alternative. This decision is in conformance with the Grass Creek Resource Management Plan.

- 1) **Resource Management Plan Conformance:** This decision is in conformance with the Washakie Resource Management Plan, 1988.
- 2) **National Policy:** Exploration and development of locatable minerals on federal lands is permitted under the authority of the Mining Law of 1872 as amended. Mining operations are managed by §43 CFR 3809 under the authority of 16 U.S.C. 22; 30 U.S.C. 612, 43 U.S.C. 1201, and 43 U.S.C. 1732, 1733, 1740, 1781, and 1782.
- 3) **Agency Statutory Requirements:** The decision is consistent with all federal, state, and county authorizing actions required for implementation of the Proposed Action.
- 4) **Relevant Resource and Economic Issues:** Potential environmental impacts to surface and subsurface resources from the Wyo-Ben mining proposal were identified in the EA and are considered acceptable. Economic benefits to

area communities derived from implementation of the Proposed Action in the form of continuing employment opportunities, equipment, services, and potential revenue are considered important.

- 5) **Stipulations and Mitigation Measures:** Stipulations and operator committed mitigation measures deemed necessary for this action are noted in the Plan Approval Letter as per §43 CFR 3809.411(d)(2) and are considered a part of the approval of this alternative.
- 6) **Opportunity for Public Involvement:** The proposed mine plan was logged in to the BLM Wyoming NEPA register and posted in the WFO public room. The BLM WFO provided the public with the opportunity to comment on Wyo-Ben’s proposal to mine during scoping from March 24, 2011 through April 24, 2011. No comments were received.

IV. PUBLIC COMMENTS AND RESPONSES ON THE ENVIRONMENTAL ASSESSMENT

Not applicable.

V. APPEALS

A party adversely affected by a decision made pursuant to Subpart 3809 – Surface Management to Title 43 of the Code of Federal Regulations may ask the State Director of Wyoming to review the decision in accordance with §43 CFR 3809.800. An adversely affected may bypass the State Director review and directly appeal a BLM decision under Subpart 3809 to the Office of Hearings and Appeals (OHA) under Part 4 of Title 43 of the Code of Federal Regulations in accordance with §43 CFR 3809.801. If you intend to appeal a BLM decision under this subpart, use the following table to see when you must file a notice of appeal with OHA:

If—	And—	Then if you intend to appeal, you must file a notice of appeal with OHA—
(1) You do not request State Director review.	*****	Within 30 calendar days after the date you receive the original decision.
(2) You request State Director review.	The State Director does not accept your request for review.	On the original decision with 30 calendar days of the date you receive the State Director’s decision not to review.
(3) You request State Director review.	The State Director has accepted your request for review, but has not made a decision on the merits of the appeal.	On the original decision before the State Director issues a decision.
(4) You request State Director review.	The State Director makes a decision on the merits of the appeal.	On the State Director’s decision within 30 calendar days of the date you receive, or are notified of, the State Director’s decision.

In order for OHA to consider your appeal of a decision, you must file a notice of appeal in writing with the BLM office where the decision was made.

/s/ Don Krump
 Authorized Officer
 Attachments --EA: WY-010-EA11-24
 Plan Approval Letter

January 5, 2012
 Date