

FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-WY-R010-2011-0069-EA
Meeteetse Draw Amendment to
Wyoming Mining Permit 321C

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-WY-R010-2011-0069-EA) for a proposed action to address bentonite mining in the Meeteetse Draw area in Hot Springs County. The Meeteetse Draw Mine Plan of Operations proposes an open pit bentonite mine of no more than 500.4 acres of disturbance on BLM, private and State lands that would occur on haul roads and be excavated in multiple phases using standard castback 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:

Authorize bentonite mining 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 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.

The Meeteetse Draw project area is located in Hot Springs County, Wyoming at
T43N, R95W Sec. 4 - 6, 8 - 11
T44N, R95W Sec. 30, 31, 32
T44N, R96W Sec. 25, 36

EA #DOI-BLM-WY-R010-2011-0069-EA is attached and available at the Worland Field Office, 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 Grass Creek 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 project is a site-specific action directly involving approximately 500 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 proposed action would impact resources as described in the EA. Mitigating measures to reduce impacts to Cultural Resources, Land Use, Wildlife and Grazing were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Grass Creek RMP/FEIS.
- 2. The degree to which the selected alternative will affect public health or safety.** Existing dirt roads were constructed to resource functional classification as per BLM manual section 9113. Wyoming allows a speed limit of 55 mph when roads are not posted. Wyo-Ben personnel and its contractors would observe a haul road maximum speed limit of 45 mph, unless situations dictate a slower rate of speed.
- 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 accordance with Section 106 consultation. The following components of the Human Environment and Resource Issues are not affected because they are not present in the project area. Environmental Justice, Class I and Class II visual management areas, Class I Airsheds, prime or unique farmlands, T&E Plant/Animals, Wild and Scenic Rivers, fisheries, floodplains, wetlands, wilderness, and lands with wilderness characteristics. In addition, the following components of the Human Environment and Resource Issues, although present, would not be affected by this proposed action: recreation, fuels/fire management, paleontological resources.
- 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 actions considered in the proposed action were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA.”
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 interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.
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.** The proposed mine, associated surface disturbance, and haul road have the potential to adversely affect cultural resources and would result in direct, indirect, and cumulative impacts. There are 15 known sites within the Area of Potential Effect. A total of 11 National Register of Historic Properties (NRHP) eligible (2 historic and 9 prehistoric) were identified within the project APE. Two eligible sites (48HO472 and 48HO849) are located within the area of direct impacts (i.e. proposed disturbance). However, the portions of these sites within the area of direct impact are considered non-contributing. The effects would not diminish the characteristics that make the property eligible for listing in the National Register of Historic Properties (NRHP).

Anticipated indirect impacts to the nine prehistoric rock art sites eligible for the NRHP include the negative effects of dust, potential vibration related to increases in traffic, changes to the setting, and inadvertent damage and advertent damage (i.e., vandalism) due to increased visitation.

In order to mitigate these adverse effects, a Programmatic Agreement (PA) would be written through consultation with State Historic Preservation Office (SHPO) tribes, Wyo-Ben, Inc., and interested parties and implemented to mitigate the impacts caused by project as proposed.

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. No other threatened or endangered plants or animals are known to occur in the 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.

/s/ Becky Spurgin
Authorized Officer

October 12, 2012
Date