

FONSI

Ten Claims - Bentonite Mine Plan of Operation

BLM

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

December 2015



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-R010-2014-0058-EA

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment DOI-BLM-WY-R010-2014-0058-EA

Project Name Bentonite Mine Plan of Operation Ten Claims; WYW-165311

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-WY-R010-2014-0058-EA) for a proposed action to address Bentonite Mine Plan of Operation Ten Claims; WYW-165311 in the Castle Gardens area in Washakie County. The project would allow the operator the ability to mine and remove the minerals the operator has claimed pursuant to Subpart 3809 -Surface Management to Title 43 of the CFR; which requires the submission of a plan of operation when mining of locatable minerals is proposed. The operator has submitted a proposal to mine in accordance with §43 CFR 3809.401.

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 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 Worland 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, Wyo-Ben, Inc., 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 (POO) through the signing of a Finding of No Significant Impact/Decision Record by the BLM, under the terms of §43 CFR 3809, and the Memorandum of Understanding between the Bureau and the State of Wyoming, Department of Environmental Quality - Land Quality Division (DEQ-LQD), and the issuance of the Plan Approval letter from BLM, will constitute surface owner consent on those lands.

The Ten Claims Plan of Development and EA (#DOI-BLM-WY-R010-2014-0058-EA) are available at the Worland Field Office, and is incorporated by reference for this Finding of No Significant Impact (FONSI). A no action alternative was 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 Worland RMP/Bighorn Basin 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 523.9 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 livestock, wildlife, hydrology, soils, visual resources, air quality, vegetation, and cultural resources were incorporated in the design of the action alternatives. Environmental effects discussed in detail in the EA and associated appendices are not considered significant, nor do the effects exceed those described in the Worland 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 selected alternative.

Class II visual management areas, Soils, Hydrology, Geology, Lands/Access, Paleontological and Cultural Resource, and Vegetative components of the Human Environment and Resource Issues were analyzed in detail in Chapter 3. None of these would be significantly impacted because of the design features and mitigations found in the selected alternative.

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 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.

- 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 on the majority of the resources analyzed.
- 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 selected alternative 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 3 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 3 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 project will not adversely affect districts, sites, highways, or structures. The project will not cause loss or destruction of significant scientific, cultural, or historical resources. A cultural inventory has been completed for the proposed action; a consultation with SHPO has been completed in accordance with Section 106 of the NHPA.
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 alternative. No threatened or endangered plants or animals are known to occur in the area. Sage-grouse may be present in the area. Mitigation measures proposed in the action alternative are expected to mitigate impacts to sage-grouse habitat and populations.
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. In addition, the project is consistent with applicable land management plans, policies, and programs.

/s/Michael J. Phillips

12/11/2015

Authorized Officer	Date
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