

**U.S. Department of the Interior
Bureau of Land Management**

FONSI

**Wyo-Ben, Pit 108T
Plan of Operations Extension**

August 2016



PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Worland Field Office

FINDING OF NO SIGNIFICANT IMPACT

Introduction:

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-WY-R010-2015-0012-EA) for a proposed action to address extension of bentonite mining operation in the Thermopolis area in Hot Springs County. The project would extend Wyo-Ben Inc.'s operations in a single pit sequence – the 108T pit. The pit extension incorporates 369.1 acres of total disturbance over a period of ten years. The underlying need for the proposal would be met while accomplishing the following objectives:

1. The purpose of this Federal Action is to respond to Wyo-Ben's proposed plan of operations. Wyo-Ben is proposing to mine bentonite, which is a locatable mineral on BLM administered public lands. The BLM is required to respond to Wyo-Ben's proposed project to conduct mining operations for locatable minerals in accordance with the Surface Management Regulations (43 CFR 3809), the Use and Occupancy under the Mining Law Regulations (43 CFR 3715) and other applicable laws such as the Federal Land Policy and Management Act (FLPMA) and the National Environmental Policy Act (NEPA).
2. Mineral exploration and development are recognized as appropriate use of public lands in the Worland Resource Management Plan which 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.
3. 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 108T extension project area encompassing 369.1 acres 7 miles West-Northwest of Thermopolis, in Hot Springs County, WY; EA# WY-R010-2015-0012-EA, available at the Worland Field Office, 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 Bighorn Basin 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 369.1 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:

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, 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.

The degree to which the selected alternative will affect public health or safety. The proposed action is designed to have no 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.

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 project area have been inventoried and potential impacts mitigated in the design of the selected alternative. A memorandum of agreement regarding the mitigation of adverse effects to the established area of potential effects (APE) has been executed among the concurring parties BLM, WYSHPO, and Wyo-Ben, Inc.

The following components of the Human Environment and Resource Issues are not affected because they are not present in the project area: Environmental Justice, prime or unique farmlands, flood plains, Native American religious Concerns, riparian areas, Class I visual management areas, Class I airsheds, wild and scenic rivers, wetlands, wilderness values or inventoried lands with wilderness characteristics.

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 resources analyzed.

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.

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 the EA.

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 the EA.

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 resources. The historic and cultural resources of the project area have been inventoried and potential impacts mitigated in the design of the selected alternative. A memorandum of agreement regarding the mitigation of adverse effects to the established area of potential effects (APE) has been executed among the concurring parties BLM, WYSHPO, and Wyo-Ben, Inc.

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. Potential impacts to sage grouse, big game, raptors and migratory birds of high federal interest have been addressed in detail and mitigation measures proposed in the action alternative.

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.

Signature:

Michael J. Phillips
Worland Field Office Manager

Date