

Decision Record
Doty — Crystal Caramel Mocha Plan of
Operations
WYW168597

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Lander Field Office
Lander, Wyoming

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Table of Contents

- 1. Decision Record: BLM EA WY-050–EA15–30 1**
 - 1.1. Introduction: 1
 - 1.2. Decision: 1
 - 1.3. Rationale for Decision: 1
 - 1.3.1. Conformance with Resource Management Plan and Land Use Plan(s): 1
 - 1.3.2. National Policy: 1
 - 1.3.3. Agency Statutory Requirements: 2
 - 1.3.4. Relevant Resource and Economic Issues: 2
 - 1.3.5. Application of Measures to Avoid or Minimize Environmental Impacts: 2
 - 1.3.6. Compliance and Monitoring: 2
 - 1.4. Finding of No Significant Impacts: 2
 - 1.5. Opportunity for Public Involvement: 2
 - 1.6. Opportunity for Protest or Appeal: 3
 - 1.7. Authorizing Official: 4

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Chapter 1. Decision Record: BLM EA WY-050–EA15–30

Doty- Crystal Caramel Mocha Plan of Operations

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1.1. Introduction:

Stewart Doty has submitted a Plan of Operations for the extraction of a mineral supposedly similar to Jasper from his mining claim near the Sweetwater River. He plans to excavate a 15ft x 15ft hole up to 8 feet deep and remove a large jasper-type stone. He would use one medium sized excavator and haul the stone from the claim on a semi-truck. Total disturbance would be within a 40ft x 40ft area, and access would be gained through travelling approximately 350ft on rocky terrain from an existing road (0.13 acres total). Mr. Doty constructed an unauthorized underground mine on a nearby claim (Blue Sky Mine) last year and this Plan of Operations will include the bonding for this unauthorized activity which has mostly been reclaimed. This project is located in the South Pass Area of Critical Environmental Concern (ACEC) in NENWSESW Sec. 21, T. 28 N., R. 100 W., 6th P.M., Fremont County, WY. The proposed project is located entirely on Federal lands. Because the project is within an ACEC, a Plan of Operations was required. The proposed action is in conformance with the Lander Record of Decision and Approved Resource Management Plan (RMP), June 26, 2014, as well as other applicable laws and regulations.

1.2. Decision:

It is my decision to authorize the Crystal Caramel Mocha Plan of Operations as proposed subject to conditions of approval s as described in the Proposed Action in the Environmental Assessment (WY-050–EA15–30).

1.3. Rationale for Decision:

The decision to approve the Proposed Action (WY–050–EA15–30) subject to conditions of approval is based on the information presented in the following subsections.

1.3.1. Conformance with Resource Management Plan and Land Use Plan(s):

Current policies for development and land use decisions within this area are contained in the Lander Record of Decision and Approved Resource Management Plan, June 26, 2014. The Lander RMP allows for exploration and development of locatable minerals in areas open to mineral entry under the Mining Laws subject to conditions or mitigations as appropriate to prevent undue or unnecessary degradation of public lands.

1.3.2. National Policy:

The Plan of Operations is authorized under the 43 CFR 3809 Surface Management regulations. The 3809 regulations allow for development of minerals on public lands that are located under the Mining Laws of the United States, as amended, in compliance with the Federal Land Policy and Management Act of 1976, as amended. The BLM is required to respond to proposals under the Surface Management regulations and allow for development of locatable minerals as long as undue or unnecessary degradation is prevented. Therefore, the decision is consistent with national policy.

1.3.3. Agency Statutory Requirements:

The decision is consistent with all federal, state, and county authorizing actions required to implement the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered including whether informal consultation and formal conferencing with the U.S. Fish and Wildlife Service (USFWS) was required. Cultural surveys and compliance with Section 106 of the National Historic Preservation Act has been completed.

1.3.4. Relevant Resource and Economic Issues:

Potential environmental impacts from the proposed activities to resources identified in the EA are all deemed acceptable or acceptable subject to conditions of approval. The economic benefits derived from the implementation of the Proposed Action to the proponent and the right to explore and develop his mining claims is considered important.

1.3.5. Application of Measures to Avoid or Minimize Environmental Impacts:

Federal environmental protection laws, such as the Clean Air Act, and the National Historic Preservation Act, apply to all lands and were considered in development of the EA. The adoption of measures identified in Chapters 2.0 and 3.0 of the EA provides practicable means to avoid or minimize potential environmental impacts. If conditions should warrant, additional measures could be applied to individual permits subject to additional analysis.

1.3.6. Compliance and Monitoring:

Monitoring will be done by the area Geologist or Surface Compliance Technician in coordination with the Wyoming Department of Environmental Quality — Land Quality Division to ensure compliance with this authorization.

1.4. Finding of No Significant Impacts:

Based upon the analysis contained in the EA (WY-050-EA15-30), along with the implementation of protection measures, I have determined that the Proposed Action will not cause any significant impacts on the human, natural and physical environment. Therefore, an Environmental Impact Statement is not required.

1.5. Opportunity for Public Involvement:

Scoping is an important part of the National Environmental Policy Act (NEPA) process and is used to determine the scope of issues related to a Proposed Action (40 CFR 1500.7). The scoping process can involve federal, state and local government agencies, resource specialists, industry representatives, local interest groups and members of the public. Scoping is an interdisciplinary process.

Staff specialists reviewed the proposal and identified impacts and appropriate mitigation measures through involvement with the EA and through resource clearance requests. Mr. Doty's Plan of

Operations was made available for public review by publishing a notice in the local newspapers. The public was allowed 30 days for review and comment on the Plan beginning on April 30, 2015 in the Lander Journal. The public comment period ended on the May 30, 2015 to allow Lander Journal readers adequate time to comment. No comments were received. In addition, this EA would be available on the BLM NEPA Register.

1.6. Opportunity for Protest or Appeal:

If you are adversely affected by this decision, you may request that the Wyoming BLM State Director review this decision. If you request a State Director Review, the request must be received in the Wyoming BLM State Office at P.O. Box 1828, Cheyenne, WY 82003-1828, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at the Lander Field Office, 1335 Main Street, Lander, WY 82520 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed with the Lander Field Office, 1335 Main Street, Lander, WY 82520 within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.

4. Whether the public interest favors granting the stay.

1.7. Authorizing Official:

Richard Vander Voet, Field Manager, Lander Field Office
Attachment: EA No. WY-050-EA15-30

Date