

DECISION RECORD
BLM ENVIRONMENTAL ASSESSMENT (EA) – DOI-BLM-WY-P070-2016-0041-EA
Stinson Aggregate, LLC, for their Hepp Sand/Gravel Mine, WYW-168419
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION:

BLM approves Stinson Aggregate, LLC’s (Stinson’s) proposal (Alternative B) for its existing Hepp Sand & Gravel Mine, Sales Contract WYW-168419, as described in Environmental Assessment (EA) DOI-BLM-WY-P070-2016-0041-EA, all incorporated here by reference. The proposal (Alternative B) is the result of collaboration between the BLM Buffalo Field Office (BFO,) Stinson, and the Wyoming Game and Fish Department (WGFD). This proposal involves the removal of up to, but not exceeding, 50,000 tons of sand/gravel from approximately 14 acres’ disturbance (6.5 acres existing, and 7.5 acres proposed), located within a Greater Sage-Grouse (GSG) Priority Habitat Management Area (PHMA) (a State of Wyoming Core Population Area). Greater Sage-Grouse net conservation gain will be achieved consistent with the Wyoming Strategy (Wyoming Executive Order 2015-4) through application of stipulations requested by the WGFD.

These 14 acres comprise BLM-administered mineral lands, as indicated below. The surface estate is privately-owned, and the disturbance is inclusive of all support infrastructures to include but not limited to the mine, staging area, access road, etc. The sand/gravel will be used by Stinson, either directly or sold to other companies or the general public for road building and maintenance and general construction activities.

Compliance. This decision complies with:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701).
- The Materials Act of 1947 (30 USC 601 et seq.), as amended; 43 CFR 3600 et seq.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- Buffalo Resource Management Plan (RMP) and Record of Decision (ROD); 2015.
- Supplement to Memorandum of Understanding No. WY 19 Between the US DOI BLM, Wyoming State Office, and the State of Wyoming DEQ LQD for Management of Surface Mining and Exploration for Mineral Materials (Salable Minerals) on Public Lands; 2013.
- Secretarial Order 3330, Improving Mitigation Policies and Practices of the Department of the Interior.

The following summarizes details of the approval. The project description and site-specific mitigation measures are found in the EA, DOI-BLM-WY-P070-2016-0041-EA.

County	Feature	TWN	RNG	Sec	Subdivision	Approval	Acres
Johnson	Stinson Aggregate, LLC’s Hepp Sand/Gravel Mine	51 N.	80 W.	29	NE of Tract 88	Previous (under BLM Sales Contract WYW-170029)	10
						New	5
TOTAL	<i>NOTE: Existing disturbance is approximately 6.5 acres; total proposed disturbance is 14 acres.</i>						15

Limitations. Approval of this project is dependent on compliance with the attached Special and Standard Stipulations and the approved Stinson Hepp Mine and Reclamation Plan (per Stinson, this

includes much of the former contract holder's (Hettinger Welding, LLC) Mine and Reclamation Plan, 2009). In the event there is a conflict between the stipulations and reclamation plan, BLM will apply the measure more favorable for GSG conservation and successful reclamation as determined by the scientific community and BLM specialists.

THE FINDING OF NO SIGNIFICANT IMPACT. Analysis in the EA, DOI-BLM-WY-P070-2016-0041-EA, found the project comports to findings that this type of proposal has no significant impacts on the human environment.

COMMENT OR NEW INFORMATION SUMMARY. Public scoping for Sales Contracts is not required by 43 CFR 3600; BLM will post the decision to its website. However, BLM internally scoped the proposal, along with receiving inputs from the surface owner, Stinson Aggregate, WDEQ LQD, Wyoming State Historical Preservation Office (WSHPO), and Wyoming Game and Fish Department (WGFD). This proposed project is situated within a Priority Habitat Management Area (PHMA) (Wyoming Core Population Area) for Greater Sage-Grouse (GSG). Therefore, WGFD was consulted by BLM specifically to address GSG-related issues and needs (Sections 2.2, 3.4, 4.2.4, and 5 in the EA).

- BLM and WGFD performed a Density and Disturbance Calculation Tool (DDCT) analysis (see Section 3.4 and Appendix A of the EA). This analysis showed that, including this project, the assessment area for the project is over the 5% disturbance cap (6.77%). Recent wildfires brought the DDCT to 6.75%, and this project increased that by just 0.02%. However, the assessment area is below the density of one oil and gas or mining disturbance per 640 acres (0.21/640). WGFD representatives indicated the expansion was a concern, but concluded that the mine expansion could move forward without negative impact to sage-grouse with specific reclamation (including a seed mixture containing sagebrush and forbs), weed control, and development (seasonal, transportation and noise) stipulations.

See Appendices A and B of the EA for copies of the WGFD letters regarding their consultation, the DDCT analysis results, and recommended seed mix. WGFD does not consider this project a threat to GSG conservation, since Stinson has committed (and BLM will require them) to reclaim the project's disturbance area (14 acres) with the WGFD-developed seed mixture. This will result in a 14-acre increase in suitable GSG habitat in PHMA/Core Population Area. If the project is not approved, Stinson is not required to reclaim the existing 6.5-acre disturbance with the WGFD-developed seed mixture. The surface owners' (the Hepps') desire is for crested wheat grass to be the dominant species. This will result in this 14-acre site remaining unsuitable GSG habitat.

DECISION RATIONALE. The BLM approves Alternative B for the following reasons:

1. BLM and Stinson added design features and mitigation measures which minimized environmental impacts while meeting the BLM's need.
2. To provide a net conservation benefit to GSG (no declines to core populations expected), consistent with the Wyoming Strategy (Executive Order 2015-4), within a GSG PHMA/Core Population Area:
 - a. All existing disturbed acres not needed for continued operations will be reclaimed immediately upon the contract's approval using the WGFD-developed seed mixture (below). Reclamation will be conducted as described in the BLM-accepted Mine and Reclamation Plan submitted by Stinson Aggregate on July 6, 2015.

- b. After completion of mining, the area will be reclaimed as described in the BLM-accepted Mine and Reclamation Plan submitted by Stinson Aggregate on July 6, 2015. Final reclamation will be completed within 12 months following removal of the authorized amount of Mineral Materials, or the authorizations' expiration or termination, whichever occurs first.
- c. The following WGFD-developed seed mixture (also agreed to by the surface owners) is required to be used in the specified amounts for all reclamation occurring in the project area:

Plant Species	PLS *
Western wheatgrass, <i>Pascopyrum smithii</i>	3.0
Green needlegrass, <i>Nassella viridula</i>	3.0
Bluebunch wheatgrass, <i>Pseudoroegneria spicata</i>	3.0
Slender wheatgrass, <i>Elymus trachycaulus</i>	2.0
Globe mallow, <i>Sphaeralcea ambigua</i>	1.0
Alfalfa, <i>Medicago sativa</i>	2.0
American vetch, <i>Vicia americana</i>	1.0
Lewis flax, <i>Limum perenne</i>	0.5
Purple Prairie clover, <i>Dalea purpurea</i>	1.0
Fringed sage, <i>Artemisia frigida</i>	0.5
Wyoming Big Sage, <i>Artemisia tridentata wyomingensis</i>	2.0
TOTAL	19.0

* PLS = pounds live seed per acre.

- d. To reduce impacts of elevated noise levels from mining on nesting Greater Sage-Grouse (GSG): No surface disturbing (mining) or disruptive activities (crushing) are permitted during GSG breeding and nesting period (March 15 – June 30) at all locations.
3. Stinson indicated that Alternative C would result in further delays and further monetary input, and that they would reclaim the currently-disturbed 6.5 acres with crested wheat grass (the landowner's preference) and walk away. The entire 15-acre project area would remain poor GSG habitat.
 4. Alternative B complies with Secretarial Order 3330, Improving Mitigation Policies and Practices of the Department of Interior, by using a landscape approach (Wyoming GSG conservation strategy), integrating mitigation during project design (WGFD coordination), ensuring durability of the mitigation (proponent and landowner commitments), and transparency in the decision process (coordination during approval process and public posting of decision).
 5. The project will not result in undue or unnecessary environmental degradation and complies with 43 CFR 3602, Mineral Materials Sales.
 6. The project will help meet the nation's mineral materials needs.
 7. The project will help ensure continued public health and safety by meeting needs for local road building and maintenance, and general construction purposes.
 8. The project will help stimulate local economies by maintaining workforce stability.
 9. The Operator committed to:
 - a. Comply with all applicable federal, state, and local laws and regulations.
 - b. Reclaim the mine to the standards in the Wyoming BLM Reclamation Policy found in Appendix C to the EA, DOI-BLM-WY-P070-2016-0041-EA, and to the satisfaction of the Wyoming Department of Environmental Quality Land Quality Division, the Wyoming Fish and Game Department, and the surface owner.

10. The Operator certified it has posted an acceptable bond.
11. This project is not located in or near, nor will it affect, a floodplain, wetland, or riparian area.
12. The project is clearly lacking in wilderness characteristics; it lacks federal surface, and is an existing mining location.

ADMINISTRATIVE APPEAL. This decision is subject to administrative review in accordance with 43 CFR 3601.80. Request for administrative review of this decision must include information required under 43 CFR 4 and is appealed to the Interior Board of Land Appeals, as provided in 43 CFR 3601.80 and 43 CFR 4. A party adversely affected by a decision of the authorized officer or State Director made pursuant to subpart 43 CFR 3600, et. al., has the right of appeal to the Interior Board of Land Appeals, Office of Hearings and Appeals, pursuant to 43 CFR 4 and 43 CFR 1840.

Field Manager:  Date: 6/10/16