



Determination of NEPA Adequacy for WDEQ Abandoned Mine Lands 2016 Mine Remediations (17I)



NEPA Number: DOI-BLM-WY-R050-2016-0048-DNA

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Office: Lander Field Office, 1335 Main Street, Lander, WY 82520

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Casefile Number: AML 171

Type of File: Landowner authorization for AML reclamation

Location: Various sites in the South Pass area; see Map 1

Applicant: Wyoming Department of Environmental Quality, Abandoned Mine Lands Division

Proposed Action: Add seven additional sites for mine and adit remediation.

Land Use Plan Conformance: The proposed remediation sites are located in the South Pass Historic Landscape ACEC and the National Trails Management Corridor. Both of these special designations limit new surface disturbance. However, managing and limiting risks to human and wildlife safety is an RMP objective (Goal SR 3; Objectives SR 3.1, SR 3.3, and SR4.3). Decisions 8004-8007 specifically require the BLM to work with the Wyoming Department of Environmental Quality, Abandoned Mine Lands Divisions (AML) to remediate existing hazards such as the seven sites addressed in this DNA. Cooperation with and assistance to state abandoned mine lands agencies is BLM national policy; see:

[http://www.blm.gov/wo/st/en/prog/more/Abandoned Mine Lands.html](http://www.blm.gov/wo/st/en/prog/more/Abandoned_Mine_Lands.html).

Background:

The Wyoming Department of Environmental Quality, Abandoned Mine Land Division (WDEQ) proposes to reclaim seven small abandoned mine disturbances in the South Pass area on public lands administered by the Bureau of Land Management, Lander Field Office (BLM). The sites, shown on Map 1, are in addition to the reclamation authorized by the LFO in the Decision Record following analysis in Environmental Assessment 2012-038. All of these sites are part of the WDEQ AML Project 171. A copy of the 2012 EA is available in the Documents Tab on the left side of the ePlanning Project available at:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=63607&dctmId=0b0003e880bbb2d7>.

The seven new mines and mine features to be remediated, like the sites involved in EA 2012-38, include a variety of sites that range from small, unobtrusive prospect shafts to better known and well documented mines with a number of dangerous features. AML reclamation in South Pass has been ongoing for more than two decades, with periodic activity in different areas of the South Pass-Atlantic City Mining District every few years.

The hardrock mines proposed for reclamation under this action represent a portion of the many individual historic mines which were abandoned at varying times during the intervening years. These sites were left un-reclaimed when mining ceased and many of the mine hazards have worsened as the mines associated features have deteriorated. In addition to leaving numerous physical hazards from open shafts, unstable underground mine workings, collapsing buildings, and other similar hazards, some of the mine spoils may result in environmental degradation, and complicate efforts to reestablish vegetation in some areas.

The following table identifies each of the seven additional sites proposed for reclamation and/or remediation in WDEQ’s 2016 phase of AML Project 17I and whether or not consultation with the Wyoming Game and Fish Department was required:

Table 1: 2016 Sites in AML Project 17I

AML ID	BLM ID	Site Name	Sage Grouse Habitat	Site Description
101515	54233	DEEP GULCH PROSPECT (22-1 BLM name)	Core Area; WGFD consultation completed	The site consists of 1 open shaft (10 ft in depth), 1 dilapidated building, 2 prospect pits, and 2 waste rock dumps. The site is located near the Kenyon Mine and is visited by hunters, prospectors, and recreationists. The shaft presents a falling hazard to the public.
102700	9818	Deep Gulch NE	Core Area; WGFD consultation completed	The site has consists of 1 prospect pit, 1 open shaft (34-ft in depth), 2 subsidence areas (0-1- ft in depth), and 1 waste rock dump. The site is in an area that is visited by hunters, prospectors, and recreationists. The shaft and subsidence areas present falling, collapse, and entrapment hazards to the public.
104980	9770	Kenyon	Core Area; WGFD consultation completed	The site consists of 3 trenches, 1 prospect pit, 7 waste rock dumps, 1 air vent shaft (25 ft in depth), 2 caved adits (12-14 ft in length), 2 open adits (25 ft in length), and 1 boarded up cabin/adit house. The site is 2.7 miles northeast of South Pass City and is readily accessible. The site is visited by prospectors, hunters, and recreationists. Vandalism has been observed on site. The adits and shaft present collapse, entrapment, and falling hazards to the public.

AML ID	BLM ID	Site Name	Sage Grouse Habitat	Site Description
104981	9771	Pick Axe	Core Area; WGFD consultation completed	The site consists of 13 prospect pits, 2 open shafts (15-ft in depth), 2 waste rock dumps, and 1 building. The BLM fenced one shaft in 2008. The open shafts present falling and entrapment hazards. The area is easily accessible and visible from nearby roads. The site is visited by hunters, prospectors, mining enthusiasts, tourists, and other recreationists.
104984	9775	Garfield North	Not sage grouse Core Area; no WGFD consultation required	The site consists of 13 prospect pits, 2 open shafts (15-ft in depth), 2 waste rock dumps, and 1 building. The open shafts present falling and entrapment hazards. The area is easily accessible and visible from nearby roads. The site is visited by hunters, prospectors, mining enthusiasts, tourists, and other recreationists.
10509	9890	Barr Mine	Core Area; WGFD consultation completed	The site was previously reclaimed under project 9b-007. Some of the features that have recently been observed may not have been addressed under this project. The site may consist of 2 open shafts and 1 open adit. The site is in an easily accessible and highly visited area. The site is visited by prospectors, hunters, and recreationists. The shafts and adit present falling, entrapment, and collapse hazards to the public.
106740	40320	Little Dare	Not sage grouse Core Area; no WGFD consultation required	The site consists of 1 open shaft (15-ft in depth). The BLM fenced the shaft in 2008-09. The site is in an area that is visited by prospectors and recreationists. The shaft presents a falling hazard to the public.

These sites present the same issues and are in the same South Pass area as the sites which were analyzed in EA 2012-38. The remediation techniques required for reclamation are the same. Five of the seven sites are in sage grouse priority habitat (Core Area), as were some of the sites in EA 2012-38.

Since 2012 when the Decision in EA 2012-8 was released, a number of changes have taken place. The LFO issued its 2014 Record of Decision and Approved Resource Management Plan (2014 RMP). The RMP incorporated special sage-grouse conservation measures in response to a petition to list the greater sage-grouse, a BLM sensitive species, under the Endangered Species Act. The US Fish and Wildlife Service ruled in 2015 that the listing was not warranted because of the national conservation efforts of land management agencies such as the BLM. Accordingly, the underlying authorizations need to have adequately considered impacts to greater sage-grouse in the earlier NEPA analyses in order to be adequate analysis to support a new authorization. The RMP requires the consultation with WGFD identified in Table 1 for any authorization of activities that will take place in priority sage-grouse habitat. However, although the Core Area concept was only officially adopted with the 2014 RMP, in 2012, the LFO followed the process required by Wyoming Guidance of applying the Core Area Strategy during the RMP planning period. Accordingly, the 2012 EA used the same type of analysis that is now required by the 2014 RMP. For the five sites located in Core Area, AML consulted with WGFD which approved BLM authorizing the remediation work without further sage-grouse analysis. The authorization will include sage-grouse timing limitations. The RMP requires that all wildlife timing limitations be applied for non-emergency operations and maintenance activities. No new leks have been discovered since the 2012 in the South Pass area.

The RMP expanded the South Pass Area of Critical Environmental Concern, in which the sites are located, from what it was at the time of the 2012 analysis. However, the seven new sites, like the 2012 sites, are in an area that has been protected as an ACEC since 1987. The 2014 RMP management prescriptions are very similar to those in effect earlier, including visual resource management, oil and gas management, and limits on rights-of-way. The 2014 RMP designated a National Trails Management Corridor which includes the South Pass area but the protections are similar to those in effect in 2012.

Most of the 2014 RMP resource protections, such as steepness of slope and riparian set-backs, are the same as the provisions of the 1987 RMP analyzed in the 2012 EA. While the 2014 RMP added many resource protections to other areas, the South Pass area was extensively protected in the 1987 RMP so the 2014 RMP did not contain decisions that were not analyzed in the 2012 EA.

The NEPA Handbook has a list of questions that must be answered in order to establish that pre-existing analysis can support the new authorization.

NEPA Adequacy Criteria from the NEPA Handbook:

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are any differences, can you explain why they are not substantial?**

The risk factors presented by the seven 2016 sites are similar to those analyzed in 2012 and the solutions are identical. The geographic locations are similar with the same resource issues including slope, sage grouse, visual resources and historic trails. The WDEQ remediation techniques that will be employed are the same.

- 2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

There are no new concerns, interests or resource values not included in the 2012 EA:

- The 2014 RMP imposed new wildlife timing limitations. The LFO wildlife biologist completed a new wildlife clearance, identifying current wildlife timing stipulations to be applied to the ROW. The authorization will include timing stipulations in conformance with the 2014 RMP.
- The LFO archaeologist completed cultural clearances for the projects. The clearance letters are available in the Document Tab on the left side of the project ePlanning page. Stipulations recommended in the clearance will be applied to the authorization.
- There are no noxious weeds identified in the area. The authorization will require the project sites to be maintained in a weed-free condition.

- 3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, up-dated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

As discussed in the Background Section above, the LFO evaluated new information obtained after the completion of the 2012 EA. There has been no rangeland health assessments completed in that time frame. Additional resource issues are addressed through the timing stipulations identified in the clearances. The wildlife clearance is available in the Documents Tab on the project's ePlanning site.

- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

There are no new environmental impacts that were not analyzed in the 2012 EA. The level of mining exploration and development in the area is the same as in 2012. Recreational use of the area remains at approximately the same level. No new rights-of-way applications have been received in the vicinity.

- 5. Are the public involvement and interagency review associated with existing NEPA document adequate for the current proposed action?**

There was very limited public or interagency involvement in the 2012 EA beyond WDEQ's standard public outreach. Consultation with WGFD occurred as well as consultation with the State Historic Preservation Office. There is widespread support for AML mine remediation. The Fremont County considers it to be of high priority and supports the effort. The BLM considered that WDEQ's outreach is adequate public and agency involvement to be adequate given national policy and public support.

Persons Consulted:

Tim Vosburgh, Lander Field Office Wildlife Biologist
Gina Clingerman, Lander Field Office Archaeologist
Kristin Yannone, Lander Planner

Conclusion:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA. The Decision Record contains the stipulation that are applied to the landowner authorization.



Kristin Yannone, NEPA Coordinator



Richard Vander Voet, Lander Field Manager



Date