

## **Finding of No Significant Impact/Decision Record**

### **Environmental Assessment: DOI-BLM-ID-I000-2010-0001-EA**

#### **Smoky Canyon Mine Panel B Modification**

##### **Decision:**

I have reviewed J.R. Simplot Company's (Simplot) proposed modification to the existing Mine and Reclamation Plan for Panels B and C, at the Smoky Canyon Mine. The proposal was analyzed in the BLM's Environmental Assessment (EA) numbered: **DOI-BLM-ID-I000-2010-0001-EA**. The EA was tiered to the 2002 *Smoky Canyon Mine, Panels B & C Final SEIS* and the 2007 *Smoky Canyon Mine, Panels F & G Final EIS*. As described in the EA, the proposal includes adding 18 new acres of mine pit to the existing Mine and Reclamation Plan and reducing the number of acres containing seleniferous waste material permanently stored in the Panel B external overburden fill.

I have reviewed the EA, and have considered the alternatives described in the EA and I have selected the Proposed Action. The Proposed Action contains two mitigation measures (EA p. 4) which are incorporated in this decision as conditions of approval. It is my decision to approve the modification to the existing Mine and Reclamation Plan for Panels B and C as described in the EA and Simplot's submittal received November 25, 2009. The modification will affect two federal phosphate leases (IDI-012890 and IDI-26843) located on the Caribou-Targhee National Forest at the Smoky Canyon Mine.

##### **Purpose of Project:**

The purpose of the Proposed Action is to recover economically viable phosphate resource from the existing leases, continuous with the current Panel B pit boundary, which might otherwise not be recovered. Simplot's existing leases give them exclusive rights to explore and develop ore reserves within the lease boundaries.

##### **Scoping:**

On February 22, 2010 a description of the project was placed on the BLM's NEPA Register website notifying the public of BLM's intention to conduct an Environmental Assessment of the proposed modification. The posting describes the proposal and purpose and also provides contact information for a BLM specialist from which further information could be obtained. No public input was received.

Prior to conducting this EA, Simplot's proposal was scoped within the BLM and with Forest Service specialists. The result of the internal review was a technical report documenting the similarities and differences of potential issues and impacts of the Proposed Action compared to what was analyzed in the previously completed EIS for the affected portion of the mine (January 2010 Technical Report). I have received and considered a recommendation letter from the Forest Service. The Caribou-Targhee National Forest has no objection to my selection of the Proposed Action with the inclusion of the two conditions.

Given the proposed changes to the existing Mine and Reclamation Plan, BLM contacted the U.S. Fish and Wildlife Service in order to verify that the Biological Assessment prepared for the existing Mine and Reclamation Plan was still valid. The U.S. Fish and Wildlife Service determined that re-initiation of consultation was not necessary for the proposed changes at the Smoky Canyon Mine.

**Description of Alternatives:**

The EA analyzes the potential impacts of two alternatives: the Proposed Action (EA p. 3-4) and the No Action Alternative (EA p. 5). Under the Proposed Action, the currently approved Mine and Reclamation Plan for Panels B and C would be modified such that the pit boundary of Panel B would be expanded to include 18 additional acres (EA Figure 1). In addition, Simplot would place less seleniferous overburden in external fills. The seleniferous footprint of the mine would decrease.

Under the No Action Alternative, the modification would not take place. The current operations at Panels B and C would continue as previously approved. The current and future operations at Panels F and G would also continue as previously approved. Where additional ore has been identified by Simplot as economically viable, this alternative would not allow Simplot to fully exercise their rights, subject to the lease conditions, to develop these two leases. This alternative also would not allow BLM to fulfill its direction to encourage maximum recovery of the resource. Because of the small size and volume of the modification, it is not likely that this resource would be recoverable at another time or under a stand-alone mine plan.

**Decision Rational and Statement of Plan Compliance:**

Simplot has purchased the rights to explore for and develop the phosphate ore on the leases, subject to the lease conditions, which make up the Smoky Canyon Mine. Their proposal to modify the existing approved Mine and Reclamation Plan for Panels B and C is in compliance with both the Pocatello Resource Management Plan, 1988, and the 2003 Revised Forest Plan (EA p. 2). The Code of Federal Regulations allow for modifications which adjust for changes in conditions or correct for oversights (43 CFR 3590.2 (a) and 43 CFR 3592.2 (d)(1)). It is appropriate to make adjustments to the Mine and Reclamation Plan as conditions change.

Regulations at 43 CFR 3590.0-1 and 3594.1 direct BLM to encourage the maximum recovery of the mineral resource, while ensuring the protection of the environment and other natural resources. Maximizing recovery promotes the wise use of resources. In this case, it is appropriate to allow the recovery of the recently identified economic phosphate resource while Simplot is mining in Panel B. The No Action Alternative would not allow for the maximum recovery of the phosphate resource. Due to its small size, it is not likely that this resource could be recovered as a stand-alone project at another time (EA p. 13).

The Smoky Canyon Mine has been in operation since about 1982. The total area of approved disturbance is approximately 3,886 acres including the tailings ponds. By comparison, the proposed expansion of 18 acres is very small. The new disturbance is located immediately adjacent to and continuous with the existing disturbance at Panel B (EA Figure 2).

This modification will not change the current mining process or approvals. There will be no changes to the environmental protection measure or monitoring that originate in previous approvals. While there is potential for mining to impact resources such as soil, vegetation, surface water, and groundwater resources, there are current requirements and practices employed by Simplot to minimize those impacts. Current monitoring data indicates that these measures are effective. The approval of the Proposed Action will not increase any impacts to surface water or groundwater either through erosion and sediment generation or through the leaching of contaminants (EA p. 26, 27). In addition, the Proposed Action includes an overall reduction of the seleniferous footprint of the mine which will have a positive effect to groundwater quality (EA p. 25) compared to the existing Mine and Reclamation Plan. The Proposed Action will also decrease the volume of external seleniferous overburden which will reduce potential to impact surface water compared to the existing Mine and Reclamation Plan (EA p. 27).

This modification will not introduce any new issues that have not already been considered by previous NEPA documents and have already approved at a much larger scale with the appropriate mitigation measures.

**Finding of No Significant Impact:**

I have determined that the implementation of the Proposed Action, with the two conditions of approval, as described in the EA will have no significant impact. As such an EIS is not required. There are no new issues or potential impacts that have not already been considered in the existing EIS's that have been completed for operations at the Smoky Canyon Mine. Previous approvals have required mitigation measures, implementation of environmental protection measures, and monitoring. Those requirements will continue, where appropriate they will apply to this modification, and will not change.

**Public Availability:**

Copies of the EA (DOI-BLM-ID-I000-2010-0001-EA) and this Decision Record are available in the Pocatello Field Office, Pocatello, Idaho. They are also available electronically on the internet at the BLM's NEPA Register.

**Appeal Information:**

Any party who is adversely affected by this decision has a right to appeal to the Interior Board of Land Appeals, in accordance with the provisions described in 43 CFR Part 4. A person who wishes to appeal must file in the office of the officer who made the decision a notice that he wishes to appeal. In this case, the deciding officer is the District Manager, Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401. This notice must be filed within 30 days after the party is served with this decision. A petition for stay, if any, (43 CFR 4.21) must be delivered to the Idaho Falls District Office within the same 30-day period. The notice of appeal must identify the decision being appealed and may include a statement of reasons for the appeal and any argument the appellant wishes to make. If the notice of appeal does not include the statement of reasons for the appeal, the appellant shall file such a statement with the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after the notice of appeal was filed. The appellant shall serve a

copy of the notice of appeal and of any statement of reasons and arguments on the Field Solicitor, U.S. Department of the Interior, Federal Building & U.S. Courthouse, 550 West Fort Street, MSC 020, Boise, ID 83724, not later than 15 days after filing the document. Service of the copy may be made by delivering the copy personally or by sending it by registered or certified mail, return receipt requested.

\_\_\_\_\_/s/ Joe Kraayenbrink\_\_\_\_\_

Joe Kraayenbrink  
Manager, Idaho Falls District

\_\_\_\_\_March 15 2010\_\_\_\_\_

Date