

Bureau of Land Management Record of Decision Smoky Canyon Mine, Panels F & G Lease and Mine Plan Modification Project



June 2015



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APPENDICES

Appendix I: Administrative Remedy Process

ACRONYMS AND ABBREVIATIONS

ACRONYM/ABBREVIATION	DEFINITION
Agencies	BLM, USFS, and IDEQ
AMP	Adaptive Management Plan
BA	biological assessment
BLM	Bureau of Land Management
BMP	best management practice
CEMPP	Comprehensive Environmental Monitoring Program Plan
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
COA	condition of approval
Corps	U.S. Army Corps of Engineers
CQA	construction quality assurance
CQC	construction quality control
CTNF	Caribou-Targhee National Forest
CWA	Clean Water Act
DEIS	draft environmental impact statement
DOI	U.S. Department of Interior
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
EPM	environmental protection measure
FEIS	final environmental impact statement
GCLL	geo-synthetic clay laminate liner
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality

ACRONYM/ABBREVIATION	DEFINITION
IRAs	inventoried roadless areas
kV	kilovolt
M&RP	mine and reclamation plan
MOU	memorandum of understanding
MPRA	Meade Peak Roadless Area
NEPA	National Environmental Policy Act
NFS	National Forest System
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOI	Notice of Intent
ODA	overburden disposal area
QA/QC	quality assurance/quality control
RI/FS	Remedial Investigation/Feasibility Study
RMP	Resource Management Plan
ROD	Record of Decision
ROM	run-of-mine
SCRA	Sage Creek Roadless Area
SHPO	State Historic Preservation Office
Simplot	J.R. Simplot Company
SUA	special use authorization
SWPPP	Stormwater Pollution Prevention Plan
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service

INTRODUCTION

The Bureau of Land Management (BLM) Pocatello Field Office received proposed lease and mine plan modifications for the Smoky Canyon Mine Panels F and G from the lessee, the J.R. Simplot Company (Simplot), in January 2013. Simplot proposed expansion of external overburden disposal areas (ODAs), lease enlargement, implementation of an ore conveyor system, and utilization of a geo-synthetic clay laminate liner (GCLL) in Panel G instead of the currently approved geologic store and release cover (the Project). The proposed modifications to the existing Panels F and G mining operation would occur within the Caribou-Targhee National Forest (CTNF) on federal phosphate leases administered by the BLM. Portions of the proposed ore conveyor system at Panel F and stormwater control features associated with the ODAs at Panel G would extend off lease on National Forest System (NFS) lands.

About This Document

Multiple Agency Involvement

The U.S. Department of the Interior (DOI) manages the mineral estate belonging to the U.S. The BLM is the designated agency within the DOI that is responsible for minerals management functions on federal lands, including NFS lands. In the case of this proposal, the land surface, both on and off the leases, is managed by the U.S. Forest Service (USFS). Regulations at 43 Code of Federal Regulations (CFR) 3503.20(a) and 3590.2(a) direct the BLM to “consult with the agency having jurisdiction over the lands with respect to the surface protection and reclamation aspects.” The USFS is responsible for surface management of NFS lands and authorizing special uses such as portions of the proposed ore conveyor system and stormwater control features located on lands outside of federal mineral leases. For these reasons, the BLM is the lead agency and the USFS is the co-lead agency for the preparation of the National Environmental Policy Act (NEPA) document. The interdisciplinary team of resource specialists was provided by the CTNF.

The BLM is required to evaluate and respond to the proposed lease and mine plan modifications for Panels F and G at the Smoky Canyon Mine, in accordance with the Mineral Leasing Act of 1920. The BLM must evaluate the proposed Project and issue related decisions, including alternatives and decisions to modify or enlarge the existing leases, and otherwise authorize mining and related activities. After a review of the proposed lease and mine plan modifications for Panels F and G, the BLM and USFS determined that there was potential for significant effects to the environment. In compliance with the NEPA, an environmental impact statement (EIS) was prepared to assess the potential impacts of the Project. Mining in Panels F and G was originally authorized by the BLM and the USFS in RODs issued in 2008 (BLM 2008 and USFS 2008a) for the Smoky Canyon Mine, Panels F and G Final Environmental Impact Statement (2007 FEIS; BLM and USFS 2007). The Smoky Canyon Mine Panels F and G Lease and Mine Plan Modification Project Final Environmental Impact Statement (FEIS) tiers to the 2007 FEIS and uses as much information as possible from that document as applicable to Project. Applicable information from the 2007 FEIS is incorporated by reference throughout the 2014 FEIS.

Like all phosphate mines in Southeastern Idaho, overburden materials are removed during the course of mining. This overburden has a potential to release contaminants, primarily selenium, to

the environment if not handled appropriately. Because the proposed ODA expansion has the potential to result in the leaching and release of contaminants from the mine waste rock into ground and surface water, the Idaho Department of Environmental Quality (IDEQ) was asked to participate as a cooperating agency in preparing the EIS. IDEQ has been involved in all aspects of the EIS analyses, most notably the water quality analysis, in order to determine compliance with water quality requirements, such as the Idaho Ground Water Quality Rule (Idaho Administrative Procedures Act (IDAPA) 58.01.11) and Idaho Water Quality Standards (IDAPA 58.01.02).

For purposes of this Record of Decision (ROD), the BLM, USFS, and IDEQ will hereafter be referred to as the Agencies.

One EIS with Multiple BLM and USFS Decisions

The USFS makes a separate but coordinated decision based on the same jointly-prepared FEIS. The BLM issues decisions for the on-lease portions of the proposed mine modification plan and the proposed lease modification. The BLM consults with the surface management agency, in this case the USFS, prior to making those decisions. The USFS provides recommendations to the BLM for the on-lease portions of the Project, and makes decisions on issuance of special use authorizations (SUAs) for the off-lease portions of the Project.

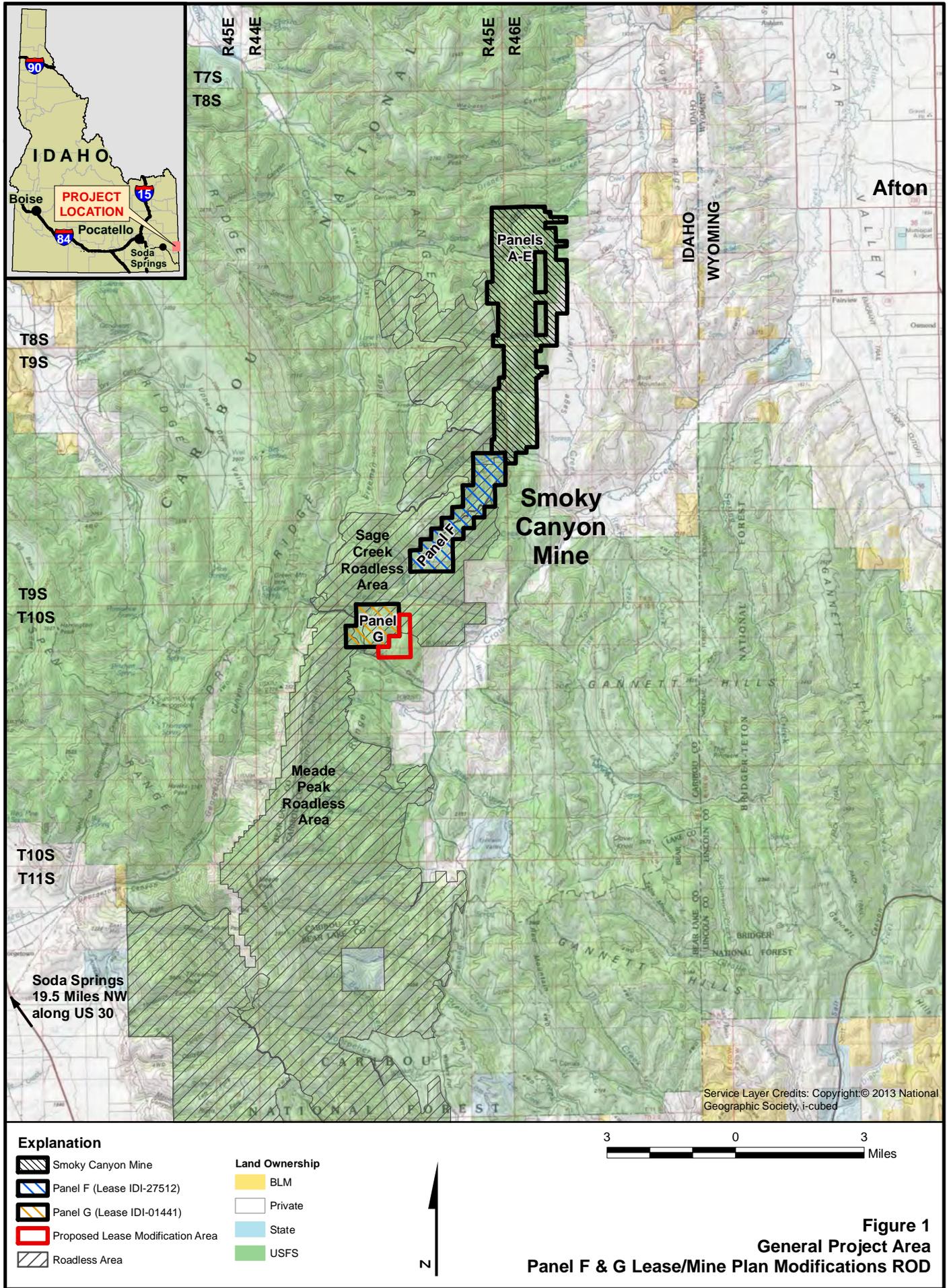
Background

Smoky Canyon Mine Overview

Simplot operates the Smoky Canyon Mine, which is located in Caribou County, Idaho, approximately 10 miles west of Afton, Wyoming, and approximately 8 miles west of the Idaho/Wyoming border (**Figure 1**). The existing Smoky Canyon mining and milling operations were authorized in 1982 by a mine plan approval issued by the BLM and SUAs issued by the USFS for off-lease activities, supported by the Smoky Canyon Mine FEIS and RODs.

Mining operations began in Panel A in 1984 and have continued ever since using standard open pit techniques in six mine panels (Panels A-F; mining of Panel G is authorized but has not yet commenced). The phosphate content of the ore is concentrated in an onsite mill, and pumped through a buried pipeline to Simplot's existing fertilizer manufacturing plant (Don Plant) in Pocatello, Idaho. Existing facilities at the mine include an access road, office/shop complex, mill and tailings ponds, ore stockpiles, open pits, backfilled pits, external ODAs, power lines, tailings pipelines, the slurry pipeline, and ancillary facilities such as sediment control structures, storage yards, equipment fueling areas, and parking areas.

Panel F is contiguous with the south end of the existing mine Panel E, and Panel G is located approximately one mile southwest of Panel F. Mining activities associated with Panel F were initiated in 2008 and are ongoing. Mining activities associated with Panel G have been initiated through the early stages of haul road construction. Simplot's original 2003 proposed mine and reclamation plan (M&RP) for Panels F and G included disposing of run-of-mine (ROM) overburden for Panel G in ODAs located within the lease on the east and southwest side of Panel G. However, the environmental analysis indicated seleniferous overburden (i.e., a term used to describe overburden that contains selenium-bearing materials) stored in the southwest ODA (hereafter referred as the South ODA to remain consistent with the 2007 FEIS) had the potential to contaminate groundwater and impact a nearby spring. Simplot subsequently modified their



Explanation

- Smoky Canyon Mine
- Panel F (Lease IDI-27512)
- Panel G (Lease IDI-01441)
- Proposed Lease Modification Area
- Roadless Area

Land Ownership

- BLM
- Private
- State
- USFS

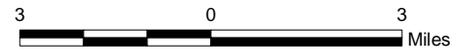


Figure 1
General Project Area
Panel F & G Lease/Mine Plan Modifications ROD

proposal in 2005 to place seleniferous overburden in an ODA on the east side of Panel G (hereafter referred to as the East ODA) and store only non-seleniferous material in the South ODA.

The potential impacts of the East ODA expansion onto 18 acres of off-lease NFS lands were analyzed in the 2007 FEIS. However, at the time the 2008 RODs were issued, neither the BLM nor the USFS had clear regulatory authority to approve the expansion as proposed. The BLM regulations were revised in 2009 to allow BLM to modify a phosphate lease if the acreage to be added will be used for surface activities that are necessary for the recovery of the mineral deposit on the original lease (43 CFR 3510.15(f)(2)).

Comprehensive Environmental Response, Compensation and Liability Act Activities on Existing Mine as Related to this Project

Any potential water quality impacts related to the existing Smoky Canyon Mine are currently under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) investigation. As of the writing of the FEIS for this Project, the Smoky Canyon Mine is the subject of an Administrative Settlement Agreement and Order on Consent/Consent Order for Remedial Investigation/Feasibility Study (RI/FS) entered into by Simplot and the USFS, U.S. Environmental Protection Agency (EPA), and IDEQ. The USFS is the lead agency and the EPA, U.S. Fish and Wildlife Service (USFWS), BLM, IDEQ, and the Shoshone-Bannock Tribes have elected to participate as support agencies. The RI component is intended to document the nature and extent of contaminants at the Smoky Canyon Mine, as well as to determine the potential for, or implications of, release of those contaminants. The FS component is intended to evaluate various means to prevent, mitigate, or remedy such contamination.

While remediation actions have been taken and will continue into the future for areas previously mined at the Smoky Canyon Mine, they have no bearing on the approved mining operations ongoing at Panels F and G. Further, the mining of Panels F and G has no connection to existing water quality impacts to Smoky Canyon Mine that are currently under investigation because the South Fork of Sage Creek drainage, which essentially separates Panels F and G (to the south) and Panels A through E (to the north), is the low point for both areas and groundwater flows converge to this low point from both directions. For these reasons, the FEIS focuses solely on the proposed lease and mine plan modifications for Panels F and G described in Section 2.4 of the FEIS. However, a discussion on the potential cumulative impacts to groundwater is addressed in Chapter 5 of the FEIS, as there would be a cumulative connection where the surface water from both areas converge.

Simplot's Proposed Action

Simplot's proposed lease and mine plan modifications (Simplot 2013), including environmental protection measures (EPMs), are fully described in Chapter 2 of the FEIS. The Proposed Action consists of five distinct components: 1) modification of the existing M&RP to allow construction and operation of an ore conveyor system between Panel F and the mill, 2) enlargement of lease IDI-01441 by 280 acres to accommodate the 139-acre expansion of the previously approved East ODA (Panel G), 3) increase of the on-lease disturbance area of the previously approved South ODA (Panel G) by 20.0 acres for the temporary storage of chert to be used for eventual reclamation of the Panel G pit, 4) utilization of a GCLL instead of the currently approved

geologic store and release cover over the in-pit backfill and the East ODA (Panel G), and 5) implementation of on- and off-lease stormwater control features associated with the GCLL.

Ore Conveyor System

Under the Proposed Action, the approved M&RP for Panels F and G would be modified to allow for construction and use of an ore conveyance system. The conveyor would be a pipe conveyor, in which the conveyor belt is rolled to form a pipe that would prevent material spillage along the conveyor route. The proposed ore conveyor system would be approximately 4.5 miles long, originating at the northern end of the Panel F lease (IDI-27512) and terminating at the mill (**Figure 2**), and would follow the existing haul road to the extent possible. Ore from Panels F and G would be transported via haul truck to the proposed Panel F stockpile. The ore would then be fed into the crusher and carried on a transfer conveyor, where it would be loaded onto the proposed conveyor at a transfer tower. This operation would be situated within the disturbed and mined out northern portion of Panel F (**Figure 3**). The ore conveyor system would include a 25 kilovolt (kV) distribution power line secured to the conveyor structure to supply power for control and communications. The conveyor would be supported on ground modules or elevated frames (referred to as support bents), and portions would be constructed in underground culverts or elevated to create crossings for mine traffic and wildlife.

The conveyor system would replace the use of haul trucks to deliver ore mined from Panels F and G to the mill. The west haul road between Panel F and Panel G, approved in the 2008 ROD and currently under construction, would be used to haul ore mined from Panel G to the conveyor at Panel F for transport to the mill.

Modification of Lease IDI-01441 for Expansion of the East ODA

The current lease boundary for Panel G is closely aligned to the ore body and not large enough to allow for both maximum ore recovery and for ODAs sufficient to accommodate all the overburden. (It should be noted that approximately 70 acres of disturbance within the proposed 280-acre lease modification are currently authorized under a USFS SUA for a topsoil stockpile and access road as per the 2008 USFS ROD.) The BLM's leasing regulations at 43 CFR 3510.15(f)(2)(iii) state, "Generally a quarter-quarter section, a lot or a protraction block in the smallest subdivision for which you may apply [for a lease]. The lands must be in reasonably compact form." In following that direction, Simplot proposed to enlarge lease IDI-01441 by 280 acres (**Figure 4**); the disturbance currently proposed within that area is 131 acres for the East ODA and eight acres for stormwater control features, for a total of 139 acres.

The proposed modification to the lease would occur within Township 10 South, Range 45 East, Boise Meridian, Idaho, and specifically:

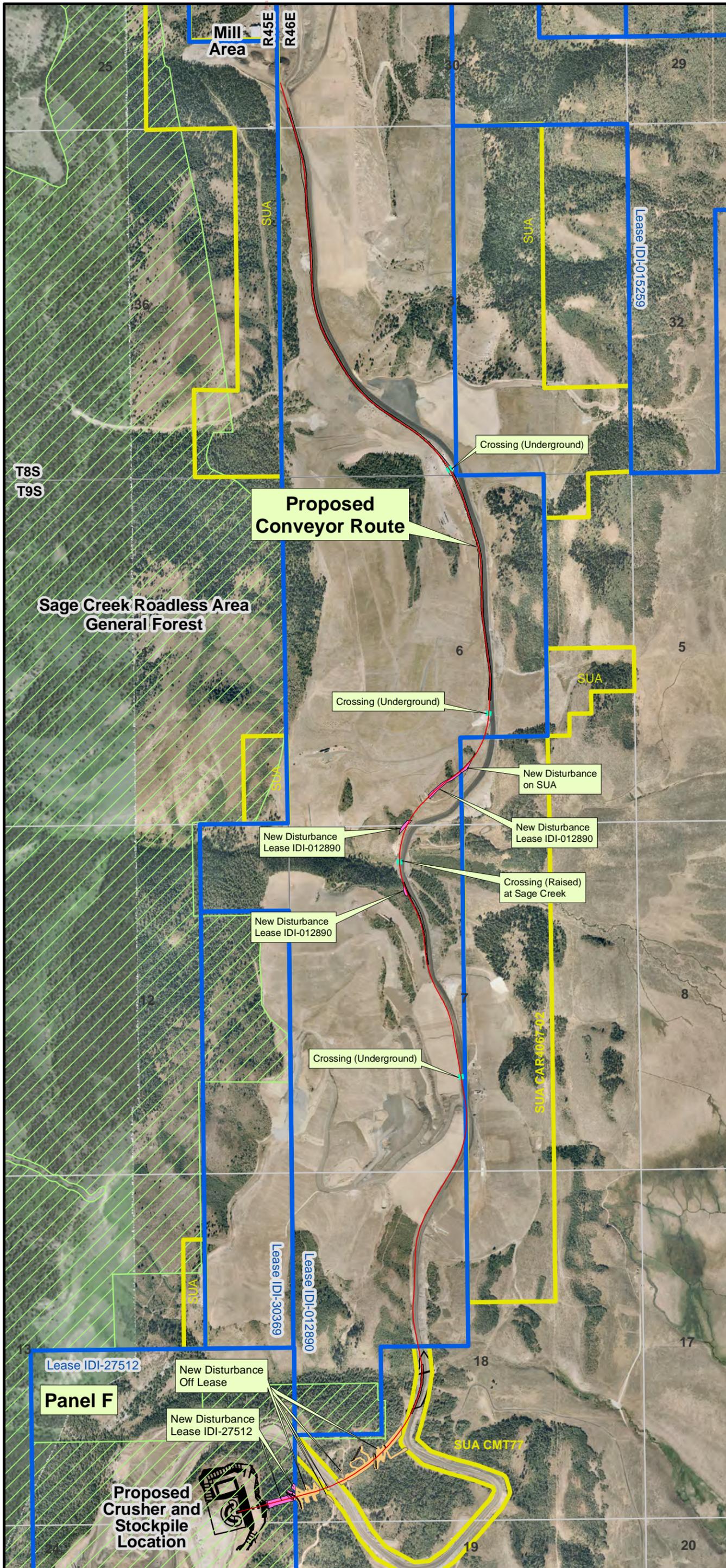
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SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3

N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10



Explanation

- Proposed Conveyor Route
- New Disturbance
- New Disturbance (New SUA Required)
- JR Simplot Lease
- Existing Special Use Authorization (SUA)
- Roadless Area



Figure 2
Panel F Mine Plan Modification and
Proposed Ore Conveyor Route
Panel F & G Lease/Mine Plan
Modifications ROD

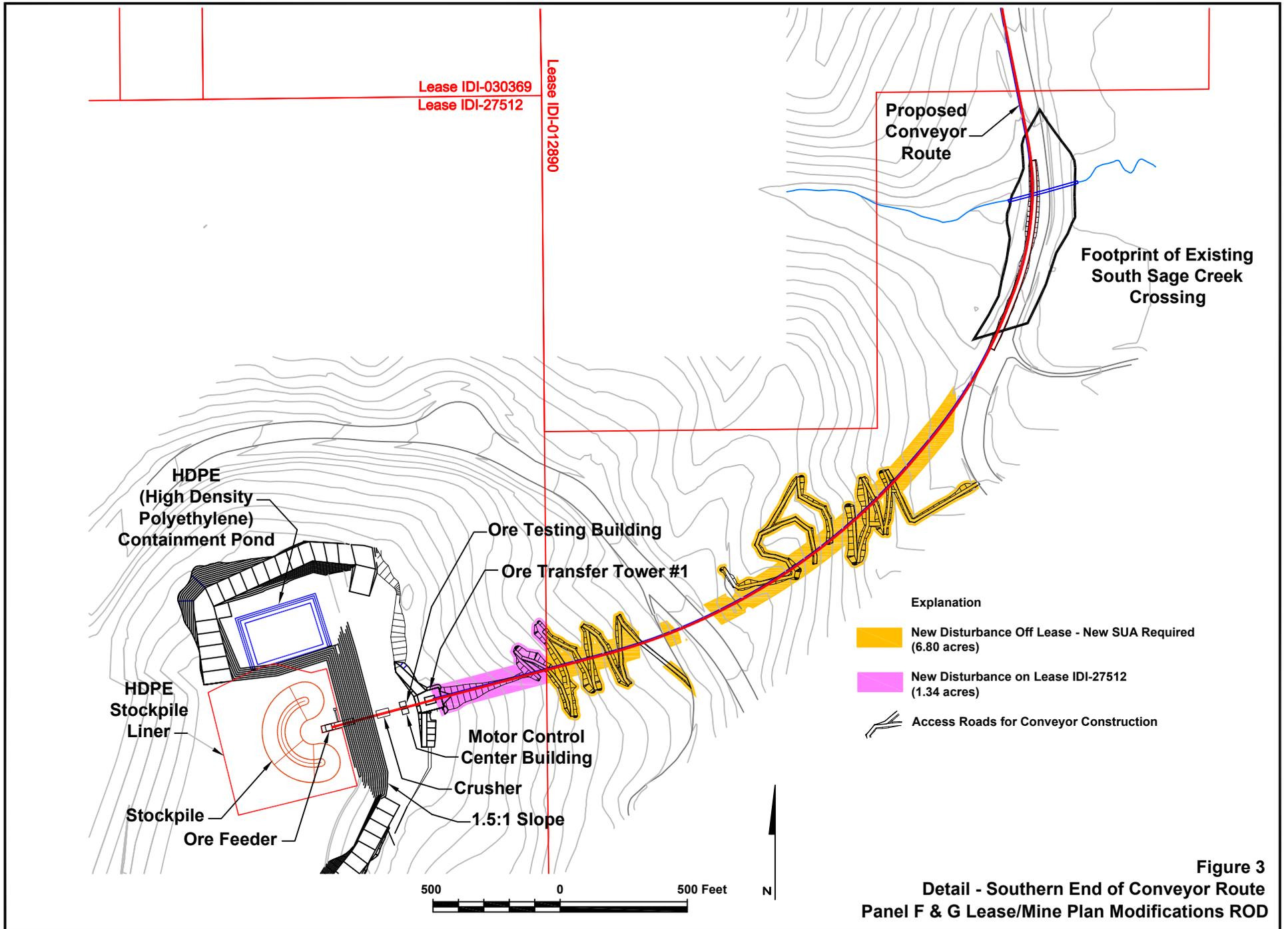


Figure 3
Detail - Southern End of Conveyor Route
Panel F & G Lease/Mine Plan Modifications ROD

With modification of lease IDI-01441, the East ODA would be expanded by 131 acres. This would result in a larger seleniferous footprint from what was analyzed by the 2007 FEIS. As described in Section 2.4.2.3 of the FEIS, a portion of the area within the proposed lease modification area previously authorized for the topsoil stockpile and access road would eventually become part of the seleniferous footprint. Approximately 75 acres of the proposed new disturbance would be within the Sage Creek Roadless Area (SCRA) and the General Forest, Rangeland, and Grassland theme under the Idaho Roadless Rule.

Increase in South ODA Disturbance Area

The 2008 BLM ROD approved 96 acres of on-lease disturbance on the southwest side of Panel G, referred to as the South ODA. Approximately 22 acres of that total were for Dinwoody Formation¹ material borrow areas, and 74 acres were for storing non-seleniferous chert overburden removed prior to mining of Panel G and intended for use in final reclamation. Because the ROD approved the South ODA for chert only and not ROM as originally proposed by Simplot in 2003, Simplot had to reevaluate the mining sequence for Panel G to maximize backfill and minimize the size of the East ODA. Simplot determined mining Panel G from south to north would meet these objectives; however, this change would require an additional 20 acres of temporary chert storage in the South ODA (**Figure 4**).

This proposed expansion would occur entirely within the current lease boundary and result in a total of 116 acres of disturbance for the South ODA, 19.4 acres of which would be within the Meade Peak Roadless Area (MPRA) and the General Forest, Rangeland, and Grassland theme.

Geo-synthetic Clay Laminate Liner

Under the Proposed Action, all seleniferous overburden in Panel G would be covered with a GCLL in an effort to further reduce or eliminate water quality impacts due to increasing the size of the currently approved East ODA (**Figure 4**). A total of 392 acres in Panel G would be covered with a GCLL, which includes the in-pit backfill and the East ODA. The GCLL cover would be constructed on a maximum of 3 horizontal to 1 vertical slope, with slope lengths up to 2,075 feet. The cover would be constructed in phases dependent on the mining operations and during specific seasons as described in the FEIS to minimize infiltration of snowmelt and stormwater.

The GCLL is an industrial manufactured cover that consists of a layer of bentonite clay inserted between two geotextile layers. A geotextile is a woven sheet material that provides enhanced resistance to penetration damage. The top geotextile layer is laminated with a 20-mil textured high density polyethylene geomembrane layer, which would provide an additional layer of protection against desiccation and ion exchange degradation. Once the bentonite component of the installed GCLL becomes hydrated from natural moisture, the bentonite granules swell, effectively closing voids.

The GCLL would be overlain with a 6-inch drainage layer of crushed chert or limestone (or equivalent, based on the final engineering design). The drainage layer would be covered with a

¹ The Dinwoody Formation is a stratigraphic unit in the overburden of the mine panels that consists of interbedded and non-seleniferous clay, shale, and siltstone.

filter fabric that would separate the drainage layer from the overlying soils to prevent blinding or clogging of the drainage aggregate layer. A 12-inch layer of Dinwoody Formation material would be placed on top of the filter fabric and drainage layer. The final or uppermost portion of the GCLL cover would be a 12-inch layer of topsoil, resulting in a total cover thickness above the GCLL of at least 2.5 feet (**Figure 5**) (Geosyntec 2013).

As described in Section 2.4 of the FEIS, synthetic geotextiles are made of stabilized polymers resistant to long-term degradation. The natural and synthetic components of the proposed GCLL cover are tested by the manufacturers and are expected to maintain performance for hundreds of years.

On- and Off-Lease Stormwater Control

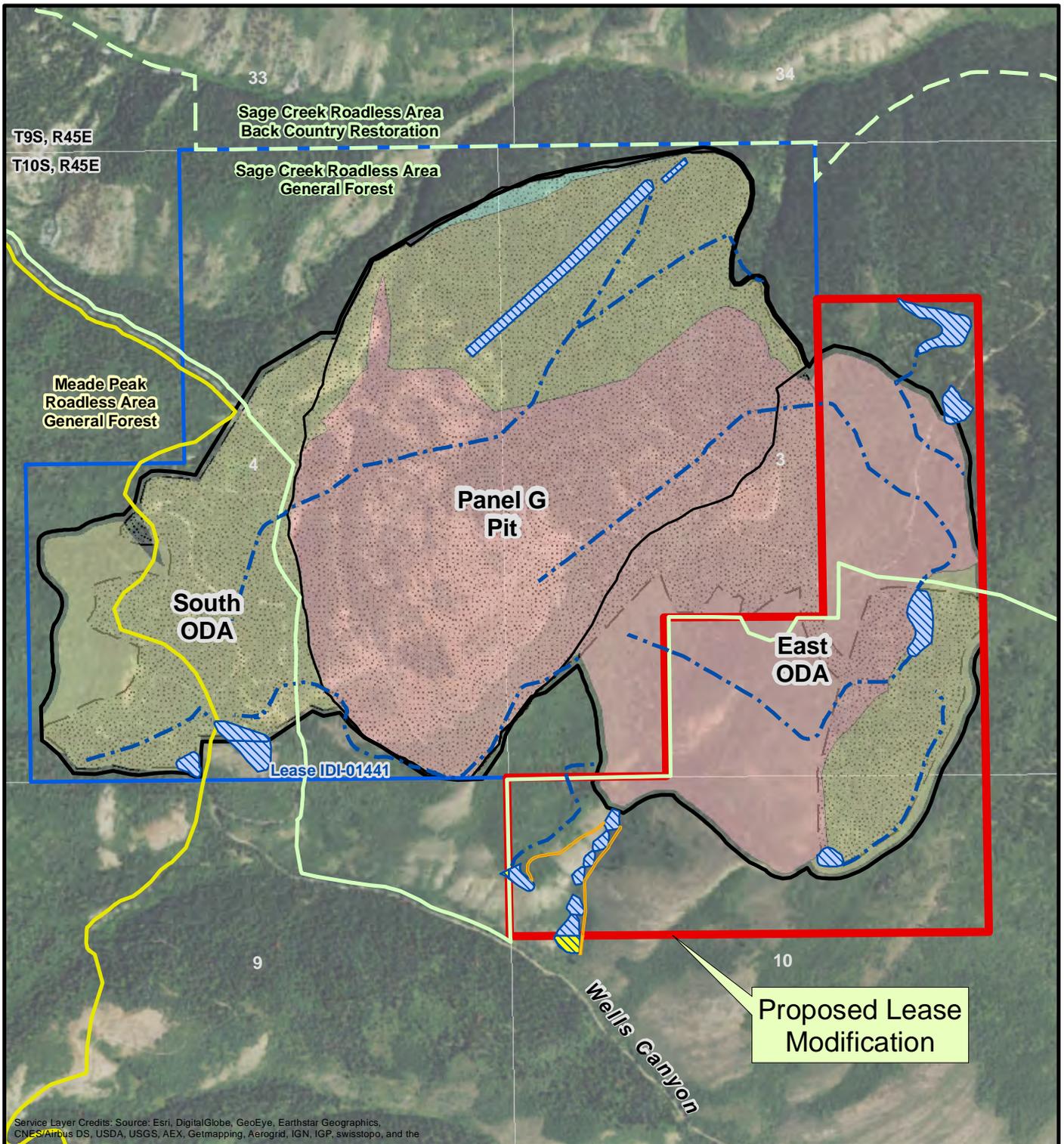
GCLLs have extremely low permeability, thereby greatly reducing the percolation of surface water into the selenium-bearing waste rock beneath the cover system and helping to prevent the release of contaminants into the groundwater. Precipitation, in the form of rain or melted snowpack, would be expected to flow through the topsoil and Dinwoody layers to the drainage layer, where it would encounter the GCLL and flow down slope parallel to the GCLL. The flow would be collected in drainage pipes installed in the drainage layer. The drainage pipes would outlet at surface water control features, such as sediment ditches and ponds, thereby increasing the surface stormwater volume. The Proposed Action includes an estimated 10.3 acres of stormwater control features to address the drainage layer volume and surface runoff (**Figure 4**). Of that area, 9.6 acres would be on lease or within the proposed lease modification area and 0.7 acres would be off-lease. The overall stormwater control features would include 13 ponds (three of them fully contained within ODA boundaries), two infiltration basins on the reclaimed limestone within the pit boundary, ditches, and associated road disturbance. The stormwater features were conservatively designed and sized to manage 100 percent runoff from the GCLL that would result from a 100-year, 24-hour storm event (Geosyntec 2013). Lateral cover drains (described in Section 2.4.4 of the FEIS) would discharge to the surface water drainage system. Simplot would be required to submit a final stormwater design plan with features more fully detailed, designed, and engineered for agency review and approval. The 0.7 acres of off-lease stormwater control features would require authorization through a USFS SUA.

Proposed Disturbance

The FEIS analyzed impacts of the Project resulting from new disturbance to previously undisturbed areas. For purposes of this analysis, long-term disturbance is defined as disturbance that would not be reclaimed until completion of active mining and/or activities associated with active mining.

Reclamation of Disturbed Area

Reclamation specified by the currently approved M&RP includes seeding or planting shrubs and trees in clusters where they are most likely to establish and where there are no concerns relative to the integrity of the overburden covers or potential selenium uptake. Reforestation of reclaimed surfaces would not be implemented in areas covered by the GCLL in order to maintain its integrity. A seed mix approved by the USFS would be applied during reclamation. All other disturbed areas would be reclaimed in accordance with the 2008 RODs.



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the

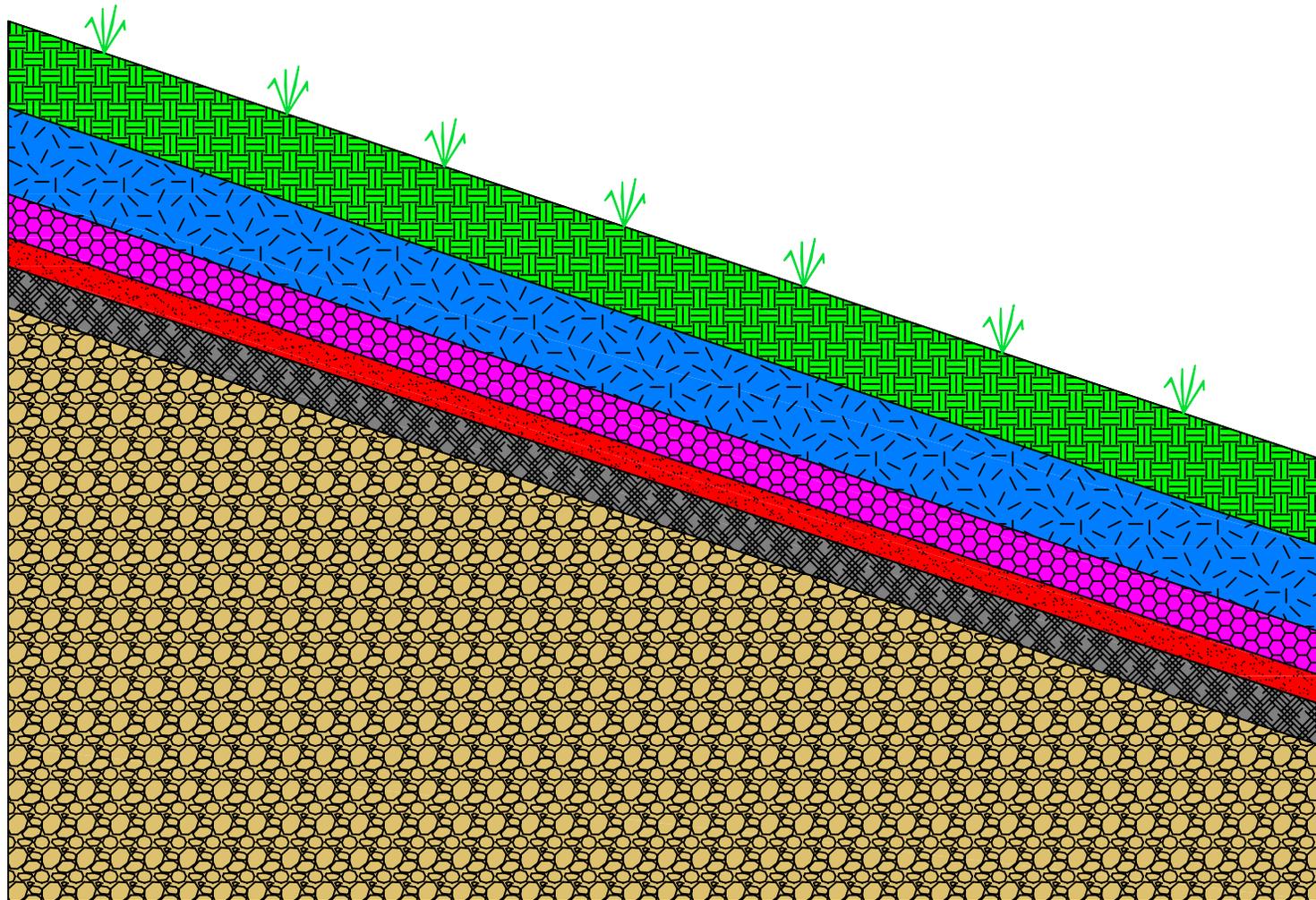
Explanation

- | | |
|--|--|
| Panel G Disturbance Boundary | Sage Creek Roadless Area |
| Panel G Pit Boundary | Meade Peak Roadless Area |
| Proposed Lease Modification Area (280 acres) | Proposed Stormwater Control Ditch (On Lease) |
| JR Simplot Lease | Proposed Stormwater Control Pond (On Lease) |
| Approved Panel G Disturbance | Proposed Stormwater Control Road Disturbance (On Lease) |
| GCLL (392.3 acres) | Proposed Stormwater Control Pond (Off Lease) |
| Topsoil Cover (266.6 acres) | Proposed Stormwater Control Road Disturbance (Off Lease) |
| Unreclaimed Highwall | |

Proposed Lease Modification



Figure 4
Proposed Action (Not Selected)
Panel G Lease Modification and Developments
Panel F & G Lease/Mine Plan Modifications ROD



12" Topsoil



12" Dinwoody



6" Drainage Layer (Crushed Chert or Limestone)



Geo-synthetic Clay Laminate Liner (GCLL)



Prepared Subgrade Surface (depth would vary)



Run of Mine Overburden

Figure 5
 Geo-synthetic Clay Laminate Liner (GCLL) Cross Section
 Panel F & G Lease/Mine Plan Modifications ROD

As is discussed in the **Financial Assurance** portion of this decision, Simplot will be required to include an amount in the performance bond held by BLM that reflects an estimate of the actual cost to complete reclamation obligations at the mine that result from implementing the selected alternative.

Purpose and Need for Action

The purpose of the proposed federal actions for the BLM and the USFS is to evaluate and respond to Simplot's proposed lease and mine plan modifications for Panels F and G at the Smoky Canyon Mine. The lease modification would enlarge existing lease IDI-01441 to accommodate expansion of the East ODA, without which Simplot would be unable to maximize ore recovery in Panel G. The ore conveyance system would allow for more economic and efficient transport of ore from Panels F and G to the existing mill for beneficiation.

The need for the proposed federal actions for the BLM and the USFS is to evaluate Simplot's proposal pursuant to applicable laws and regulations. The BLM is required to evaluate mining proposals and issue decisions related to the phosphate leases, as directed by the Mineral Leasing Act of 1920. This includes ensuring economically viable development of the phosphate resources, in accordance with federal law and regulations governing federal leases, including the requirement for mining operations to be conducted in a manner that yields ultimate maximum recovery of the mineral resource, consistent with the protection and preservation of the environment (43 CFR 3594.1), and allowing the lessee to exercise its contractual right to develop the lease. Such is the case for consideration of whether to enlarge lease IDI-01441. USFS authorization is required for operations related to the Project located outside of the phosphate lease boundaries on NFS lands, such as portions of the ore conveyor and stormwater control features associated with the proposed GCLL. The USFS must determine whether and how to authorize these operations. Since the on-lease operations would occur on NFS lands, the USFS is a joint lead agency in the analysis of potential effects to those lands, and the BLM has consulted with the USFS in completing the effects analysis for on-lease operations.

DECISION

Introduction

The BLM and the USFS are making separate but coordinated decisions related to Simplot's proposed Panels F and G Lease and Mine Plan Modification Project. Decisions are based on the FEIS and applicable laws, regulations, and policies with consideration also to rights granted to Simplot in their federal phosphate leases. The BLM's decision considers any recommendations the USFS made regarding surface management and mitigation of leased NFS lands. The USFS is making decisions regarding the issuance of SUAs for off-lease disturbances/structures located within the CTNF and associated with the Project (e.g., off-lease portions of the ore conveyor system and stormwater control features).

As part of the decision-making process, the BLM has considered: comments and responses generated during public scoping; Simplot's rights to recover leased mineral resources; anticipated environmental and socioeconomic consequences discussed in the FEIS; comments received following the release of the Draft EIS (DEIS) and FEIS; other unsolicited comments; consultation with other agencies and tribes; and applicable laws, regulations, and policies.

BLM regulations encourage the maximum recovery of the mineral resource, while ensuring the protection of the environment and other natural resources. In considering alternatives and mitigation the BLM considers what is legal, what is environmentally preferable, and what maximizes ore recovery. Requiring alternatives and mitigation beyond what is proposed by the mining company typically comes at some additional cost to the mining company. Those costs may be offset by selectively mining only the most profitable portions of a deposit and abandoning those resources that are less profitable. It may also result in the mining company prematurely moving onto an undeveloped lease it holds, thereby cycling the disturbance and impacts more quickly into those undeveloped areas than otherwise would be the case. Therefore, maximizing recovery is an important consideration in promoting the wise use of resources. The BLM must weigh what alternatives and mitigation may be necessary to maintain compliance with applicable standards; what alternatives and mitigation are needed for adequate environmental protection; and what alternatives and mitigation may seem appropriate initially, but upon further evaluation is not necessary or judicious and could lead to under-utilization of the mineral resource.

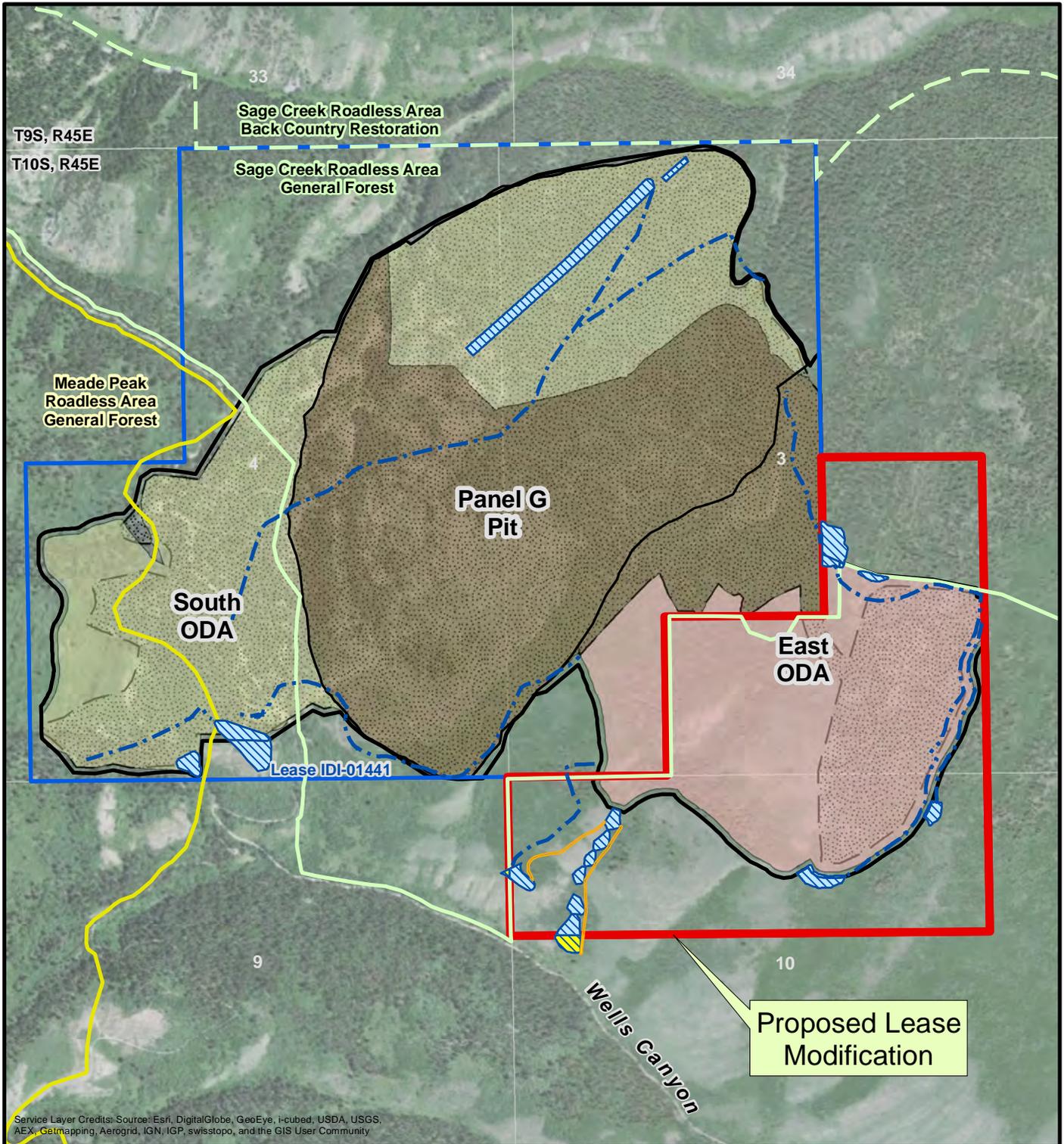
Description of the Agency Selected Alternative

In addition to the Proposed Action, two Action Alternatives were evaluated in the FEIS. The Panel F ore conveyor system and South ODA components of the Project are the same under each Action Alternative as previously described under **Simplot's Proposed Action**.

The BLM's Selected Alternative is Alternative 2, which is the Agency Preferred Alternative described in the FEIS. This alternative addresses the major issues that were associated with the proposed action and results in the least amount of acres for the lease modification area and expanded East ODA of all the Action Alternatives considered in the FEIS.

Under the Selected Alternative, lease IDI-01441 will be enlarged by 240 acres to allow for expansion of the East ODA (**Figure 6**). The East ODA will be expanded by approximately 86 acres, which does not include the 70 acres of the previously approved topsoil storage area that will be relocated into the northeastern portion of the Panel G pit. The seleniferous footprint of the East ODA will be enlarged into the area previously approved for topsoil storage. Relocation of the topsoil storage to the disturbed pit area will allow an overall reduction of approximately 46 acres of disturbance in the SCRA. Two cover types (i.e., a mixed cover) will be used over the seleniferous overburden in the Panel G pit and East ODA. Approximately 138 acres will be covered by the GCLL (86 acres of new disturbance and 52 acres of the previously approved ODA) and 257 acres will be covered by the previously approved geologic store and release cover (**Figure 6**). The GCLL will be used for new disturbance in the East ODA approved by this decision, and the geologic store and release cover will be used to cover the previously approved disturbance in the East ODA and in the Panel G pit. The Selected Alternative includes the option to increase the GCLL coverage, if needed, in the event that future monitoring of the geologic store and release cover indicates that it is not performing as required. Aside from the amount of acreages covered, all other aspects of the GCLL will be as previously described under **Simplot's Proposed Action**.

Use of a GCLL for the expanded portion of the East ODA disturbance will provide additional protection of surface water and groundwater resources.



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Explanation

- | | |
|--|--|
| Panel G Reduced Disturbance Boundary | Sage Creek Roadless Area |
| Panel G Pit Boundary | Meade Peak Roadless Area |
| Proposed Lease Modification Area (240 acres) | Proposed Stormwater Control Ditch (On Lease) |
| JR Simplot Lease | Proposed Stormwater Control Pond (On Lease) |
| Approved Panel G Disturbance | Proposed Stormwater Control Road Disturbance (On Lease) |
| GCLL (138 acres) | Proposed Stormwater Control Pond (Off Lease) |
| Geologic Store and Release Cover (257.3 acres) | Proposed Stormwater Control Road Disturbance (Off Lease) |
| Topsoil Cover (222.6 acres) | |



Figure 6
Alternative 2, Selected Alternative:
Reduced East ODA with Mixed Cover
Panel F & G Lease/Mine Plan Modifications ROD

To ensure long term integrity of the synthetic cover, areas covered by the GCLL will not be allowed to reforest, whereas the geologic store and release cover will be revegetated as described in the 2007 FEIS (Section 2.4; BLM and USFS 2007) with grasses and forbs surrounding “islands of diversity” (defined as native forbs, shrubs, and trees that will be seeded or planted in clusters where there are no concerns relative to cover integrity or potential selenium uptake). Such diverse vegetation is important to the functioning of the geologic store and release cover, and provides the benefit of a more natural appearance after reclamation. Combining the use of the GCLL with the geologic store and release cover will provide for a more diverse revegetation community while assuring water quality standards will continue to be met.

Stormwater control features under the Selected Alternative will result in approximately 9.1 acres of new disturbance. Of the total, 1.6 acres will be on lease, 6.8 acres will be in the lease modification area, and 0.7 acres will be off lease.

The Decision

The BLM’s Selected Alternative is Alternative 2, the Agency Preferred Alternative identified in the FEIS.

Under Alternative 2, the mine plan is modified from that already approved under the No Action Alternative, to allow for construction and operation of an ore conveyor system between Panel F and the mill (in conjunction with the USFS ROD approving off-lease portions of the conveyor system). In the event the approved conveyor is not constructed by Simplot due to economic considerations, Simplot is approved to install the 25 kV power line on poles rather than attached to the conveyor. The power line is approved to be located along the haul road as previously approved by the 2008 RODs, except it is approved to follow the conveyor route between the proposed Panel F crusher and stockpile location and the point where the conveyor route joins the haul road on the south side of the South Fork of Sage Creek crossing. Should the power line be constructed in place of the conveyor, the power poles will range in height from 35 to 60 feet and have an average estimated span of 250 feet.

The BLM decision also recommends to the Idaho BLM State Office that the lease modification application, to increase the size of lease IDI-01441 by 240 acres as shown on **Figure 6**, be approved. As described in the FEIS, the current lease area for Panel G is not large enough to allow for maximum ore recovery and the necessary overburden disposal due to existing topography constraints, re-handling issues, and safety concerns within the approved single pit configuration of Panel G. The lease modification clearly meets the criteria for such action as defined in 43 CFR 3510.15. The modification of the lease would occur within Township 10 South, Range 45 East, Boise Meridian, Idaho, and would add the following lands to the existing lease:

SE ¼ SW ¼ Section 3

W ½ SE ¼ Section 3

N ½ NW ¼ Section 10

NW ¼ NE ¼ Section 10

Under the Selected Alternative, the South and East ODAs will be expanded beyond what has been approved under the No Action Alternative. The on-lease disturbance area of the South ODA is increased by 20 acres for the temporary storage of chert. The expanded portion of the

East ODA containing seleniferous overburden (138 acres) will be reclaimed using a GCLL; previously approved disturbance at Panel G (257 acres) will be reclaimed with the geologic store and release cover. However, under the Selected Alternative, the decision maker will have the option to increase the GCLL coverage at Panel G, if needed, to provide greater conservatism to measures designed to reduce groundwater impacts, in the event future monitoring of the approved geologic store and release cover were to indicate that it was not performing as required.

The Selected Alternative employs reasonable measures to satisfy regulatory requirements and adequately reduces potential environmental impacts to local and regional water quality. Use of the GCLL on the East ODA expansion is the most notable of the design features. Unlike the No Action Alternative, the Selected Alternative will result in maximum recovery of the phosphate ore deposit that would otherwise likely never be economically viable to recover.

The BLM has identified Alternative 2 as the Selected Alternative because it:

- Results in a lease modification area that is 40 acres smaller than that proposed by Simplot.
- Results in approximately 46 fewer acres of new surface disturbance than that proposed by Simplot.
- Results in approximately 47 fewer acres of disturbance within the SCRA than that proposed by Simplot.
- Includes a GCLL for the 138-acre expansion of the East ODA for additional protection of water resources.
- Includes use of the previously approved geologic store and release cover over approximately 257 acres, which will be protective of water resources and also provide a more natural appearance after reclamation.
- Allows maximum recovery of the phosphate ore deposit.

The Selected Alternative will reasonably accomplish the purpose and need for the federal action, while giving consideration to environmental, economic, and technical factors. This action is responsive to public input for limiting the amount of GCLL to be used and for minimizing the amount of new disturbance within inventoried roadless areas (IRAs).

Decision Authority

Phosphate is a leasable mineral and is regulated by the Mineral Leasing Act of 1920, as amended. The BLM is the federal agency delegated to manage the federal mineral estate under this Act. Phosphate leasing and operational oversight regulations are codified in 43 CFR 3500.

Enforcement Authority

BLM Authority

Under regulations at 43 CFR 3598 for the inspection and enforcement of solid leasable mineral operations, the BLM has full authority to inspect, monitor, and assess compliance with established requirements (43 CFR 3598.1). Established requirements are applicable law and regulations, lease, license or permit terms, conditions and special stipulations; approved mine or exploration plan requirements; and BLM issued orders. The BLM can issue notices of non-compliance and orders to mine operators/lessees to ensure compliance with established requirements (43 CFR 3598.4). The BLM can direct changes or take corrective actions to

approve mine and reclamation plans in response to the results of environmental monitoring or to correct an oversight (43 CFR 3592.1(d)(2)). The BLM can, either in writing or orally, order the cessation of operations without prior notice in a situation where failure to comply with established requirements threatens serious damage to the environment (43 CFR 3598.4(c)). The BLM can take these actions unilaterally, without concurrence from other agencies.

Other Authorities

Other agencies have statutory and regulatory authorities to which the leases are subject. The BLM typically partners with these agencies to ensure an effective approach to regulatory oversight of mining operations. Each of these authorities has been utilized from time to time in regulating the Southeastern Idaho phosphate mines. For example:

- The EPA has Clean Water Act (CWA) authorities that they can use to issue notices of violations and require corrective actions.
- The IDEQ has water quality protection requirements (primarily groundwater, but some surface water) that they can use to issue violations and require corrective actions.
- The U.S. Army Corps of Engineers (Corps) has CWA authorities that they can use to ensure compliance with the terms and conditions of any permit it issues under Section 404 of the Act.

Considerations for the Decision

Table 2.8.1 of the FEIS provides a summary and comparison of potential effects from the Proposed Action, Action Alternatives, and No Action Alternative for specific resources. This information, as well as qualitative rationale, forms the basis for the BLM's decision. Key considerations are described as follows.

Disturbance Minimized

Overall, implementation of the Selected Alternative will result in less disturbance than under the other Action Alternatives due to a smaller expansion of the East ODA. Approximately 123 acres of new disturbance will occur under the Selected Alternative, which is 46 fewer acres of new disturbance than under the Proposed Action or Alternative 1. The smaller East ODA expansion also results in 40 fewer acres needed for the lease modification (240 acres rather than the 280 acres under the other Action Alternatives).

Disturbance in Roadless Areas Minimized

The Selected Alternative will result in 47 fewer acres of disturbance in IRAs than under the other Action Alternatives. There will be 29 acres disturbed within the SCRA and 19 acres within the MPRA, for an approximate total of 48 acres.

Groundwater Protected Adequately with the Least GCLL Coverage

Under the Selected Alternative, at least 138 acres of selenium-bearing waste rock will be covered by the GCLL. This is 254 acres less than under the Proposed Action, and 5 acres less than under Alternative 1. The previously approved geologic store and release cover will be used on the remainder of the Panel G disturbance.

The BLM considered application of infiltration barriers very carefully. Both the proposed GCLL and the previously approved geologic store and release cover are adequate for protecting groundwater at the site. BLM has deliberated the advantages and disadvantages of each.

As previously described, investigation and remediation of contaminant release from the older mining panels at the Smoky Canyon Mine is ongoing under federal CERCLA authorities. The threat of contamination to surface and groundwater from new mining operations was addressed in the 2007 FEIS and 2008 RODs for mining in Panels F and G in part by use of a geologic store and release cover. At that time, the Agencies conducted extensive review of various cover designs to prevent groundwater contamination from new mining activities (Section 2.7, BLM and USFS 2007). The BLM ultimately approved use of the geologic store and release cover because it has advantages over the other cover systems studied, including longevity; it is fairly easily repaired if an unanticipated differential settling or slumping event occurs; revegetation potential is good; the geologic materials are readily available at the site; and the cover is relatively cost effective. The BLM continues to believe that the previously approved geologic store and release cover is a good cover to use at the site and adequately protects groundwater.

Due to the ongoing nature of mining activities at Panel F and a schedule that requires mining in Panel G soon, Simplot wished to streamline the timeframe for BLM to process their mine plan modification application. Ordinarily, the expansion of operations into the proposed lease modification area would need to be assessed with extensive groundwater impact modeling and evaluation by the BLM. This assessment would require a great deal of time that could interrupt mining activities. To reduce BLM's processing time and thus ensure continuity of mining operations, Simplot proposed use of a GCLL in their mine plan modification to prevent impacts to groundwater resources. Their rationale is that a GCLL will virtually eliminate water infiltration into waste rock and subsequent release of contaminants to groundwater. As described in Section 4.4 of the 2014 FEIS, the GCLL will reduce infiltration more than the geologic store and release cover, providing additional protection to groundwater and surface water quality and preventing any additional impacts that were not previously modeled. Therefore, additional groundwater impact analysis beyond the detailed analysis already conducted as part of the 2007 FEIS is unnecessary for the proposed mine plan modification.

The BLM must also consider potential impacts to revegetation diversity. The previously approved geologic store and release cover is predicted to meet the required water quality standards and will result in a more natural appearance after reclamation than areas reclaimed with the GCLL. This is because the GCLL can only be reclaimed using grasses and shallow-rooted species in order to maintain cover integrity, whereas deeper-rooted species including trees and shrubs will be used to reclaim the geologic store and release cover.

In consultation with the USFS and IDEQ, it is BLM's opinion that the use of the GCLL only on the newly proposed disturbance, and the previously approved geologic store and release cover on the remainder of the Panel G disturbance, will meet water quality standards and strike a good balance with revegetation diversity. For these reasons, selection of Alternative 2 will also minimize effects to wildlife habitat, recreation and land use, visual resources, Native American concerns, and tribal treaty resources. Alternative 2 also meets the constraints of Simplot's mining schedule.

Ore Recovery Maximized

BLM regulations at 43 CFR 3594.1(a) require that mining operations be conducted in a manner that yields the ultimate maximum recovery of the mineral resource, consistent with the protection and preservation of the environment. Under the No Action Alternative, approximately 50 percent of the phosphate ore in lease IDI-01441 would not be mined because there is not sufficient storage area for the associated overburden/waste rock disposal external to the Panel G pit within the current lease boundaries. This amount of phosphate would not be large enough to allow for economic recovery at a later date and would constitute a loss of non-renewable resource. Therefore the No Action Alternative does not meet the intent of regulatory direction that requires “ultimate maximum recovery” of the non-renewable mineral resource. Under the Selected Alternative, Simplot anticipates all economically recoverable phosphate ore can be mined. Modification of the existing lease to allow sufficient room for placement of overburden is consistent with regulatory direction to facilitate ultimate maximum recovery of the phosphate resource.

Reduced Emissions with Little Additional Disturbance

Implementation of the ore conveyor system will increase the efficiency of the mine and reduce the number of haul trucks carrying ore to the mill. Reduction of haul truck trips will reduce total emissions a net amount of approximately 4,400 tons (considering emissions generated by the conveyor system). The new disturbance associated with the ore conveyor system will be adjacent to existing mining disturbance, and is a relatively minor amount (8.1 acres total) compared to the total disturbance associated with the Smoky Canyon Mine.

Consistent with USFS Decision

The USFS issued a Draft ROD for authorization of off-lease activities associated with this Project concurrent with release of the FEIS. In the Draft ROD, the USFS indicated its intention to issue SUAs for development of off-lease portions of the ore conveyor system and stormwater control features consistent with Alternative 2. The BLM’s decision to select Alternative 2 works in concert with the USFS decision communicated in the Draft ROD.

CONDITIONS OF APPROVAL INCLUDING ENVIRONMENTAL PROTECTION MEASURES, MITIGATION, AND MONITORING

As conditions of approval (COAs) for the Smoky Canyon Panels F and G lease and mine plan modifications, Simplot, its employees, contractors, agents, assignees, and operators must comply with the EPMs, mitigation, and monitoring measures as well as other requirements defined in the FEIS, this decision, and conditions defined by cooperating agencies in their decisions.

EPMs described in the 2007 FEIS and required by the 2008 RODs will continue to be implemented. In addition, the Selected Alternative contains numerous EPMs as described in Section 2.5 and Chapter 4 of the FEIS. All practical means to avoid or minimize environmental harm from the Selected Alternative have been adopted as part of this decision (40 CFR 1505(2)(c)).

General

- Simplot is required to submit a revised M&RP that is consistent with the alternative selected in this decision for Panels F and G that meets the requirements at 43 CFR 3592.1 as determined by the BLM before any ground-disturbing activities (other than that specifically related to logging and grubbing) commence in the Panel G East ODA expansion area.
- Simplot will be responsible for acquiring and complying with all necessary local, state, and federal permits, and for providing documentation of those permits to the BLM and USFS as applicable.
- Except as may be superseded by this ROD, Simplot will continue to be responsible for complying with existing COAs contained in the 2008 RODs and all subsequent approvals.
- Routine inspections of stormwater facilities will be conducted by Simplot to verify compliance with applicable regulations and to detect any conditions requiring modification or repair. Maintenance and repair actions will be documented in mine records.

Cultural Resources (including Paleontological Resources)

- No impacts to cultural or paleontological resources are expected from the Selected Alternative, and State Historic Preservation Office (SHPO) concurrence on cultural resource site evaluations has been received by the USFS. If unanticipated cultural materials, historic sites, or vertebrate macrofossils are encountered, Simplot will notify the USFS and the BLM and operations will be halted in the vicinity of the discovery until inspected by a qualified agency representative and a mitigation plan developed if determined necessary.

Air Quality

- Simplot will control dust generated from Project activities with dust suppressant water applied by water trucks. Dust suppressing chemicals such as magnesium chloride and calcium chloride may also be used as needed.

Soil

- Soil resources in the proposed disturbance areas have been described with baseline surveys. Suitable topsoil and growth medium from disturbed areas will be salvaged and stockpiled for use in reclamation. Stockpiles will be placed on stable landforms and protected from erosion by establishment of short-term vegetation cover. Reclamation of disturbed areas that are no longer required for active mining operations will be conducted concurrent with other mining operations.
- U.S. Department of Agriculture (USDA) guidelines (2013) will be used for determining topsoil suitable for reclamation on any areas approved for new surface disturbance for this Project.

Vegetation

- Timber will be cruised by the USFS and then harvested from proposed disturbance areas as directed by the USFS. Simplot will purchase the timber at the market value appraised

at the time of harvest. Small brush and slash will be incorporated in the topsoil when it is salvaged.

- Simplot will schedule reclamation earthwork to ensure that no large areas of untreated lands are exposed during the winter months. Revegetation of disturbed areas will be conducted during reclamation activities by seeding and planting with the vegetation species mix approved by the USFS. Seeding will proceed no later than the first fall after earthwork is complete.
- Simplot will continue to be responsible for monitoring and preventing the spread of noxious weeds in compliance with guidelines established by the USFS. This includes cleaning all off-road vehicles prior to entering and re-entering the Project Area and using only certified weed-free seed, mulch, straw bales, etc.

Surface and Groundwater

- Simplot will continue to be responsible for implementing the EPMs and Best Management Practices (BMPs) for erosion, sedimentation, and selenium control required by the 2008 RODs that also apply to the design, construction, operation, and reclamation of this Project. These measures have been developed to reduce the types and severity of impacts to surface water and groundwater that have been experienced in the past with previous phosphate mining operations.
- Simplot will construct drainage and diversion ditches to either divert run-on water around disturbance areas or to collect and route stormwater to infiltration basins or settling ponds. Sediment ponds must be designed and maintained to provide retention for the runoff from the 100-year, 24-hour storm event. These ponds will be used to collect stormwater runoff and snow melt runoff exclusively; no other waste streams will be allowed to enter the ponds and/or commingle with this runoff. Simplot will also be required to minimize the potential for dissolved constituents that may be present in this stored runoff from entering area streams by minimizing the hydraulic connection between the ponds and surface water.
- Simplot will design all stormwater ponds with stable spillways so that discharge does not erode the spillways or instigate structural failure of the ponds. Discharges will be sampled and assessed by Simplot for contaminants of potential concern under the Stormwater Pollution Prevention Plan (SWPPP).
- Simplot will manage stormwater to reduce or eliminate contact with ROM overburden. During construction of the East ODA, material will be left at angle of repose (i.e., not sloped) in order to minimize infiltration of snowmelt and stormwater. Once the slope is reclaimed to a 3 horizontal to 1 vertical slope and the GCLL/geologic store and release cover installed, runoff and sediment control facilities (i.e., ditches, ponds) will be located off the ODA to the extent feasible in order to protect the reclaimed slope from erosion and damage related to heavy equipment use.
- Simplot will control stockpiled areas of snow and will place it in areas to reduce infiltration or mixing of snow or snow melt into/with external overburden to the extent practicable.
- Simplot will mine and dispose of seleniferous overburden in a timely manner to reduce exposure of this material to surface weathering and oxidation, the process that liberates soluble selenium compounds. Surface area of seleniferous overburden fills will be

reduced by design to the extent practicable to limit the amount of water infiltration and potential release.

- Simplot will continue to be responsible for monitoring water quality at the Smoky Canyon Mine as per separate program requirements (e.g., IDEQ Consent Orders, National Pollution Discharge Elimination System Stormwater Permit). These ongoing programs are described in the Smoky Canyon Mine Comprehensive Environmental Monitoring Program Plan (CEMPP), which will be updated to address monitoring requirements for the Project. Unless directed otherwise by the respective agencies, Simplot will provide monitoring data to the USFS, BLM, and IDEQ as part of the annual operations reporting. Water quality monitoring requirements include those associated with the off-lease stormwater control features permitted by SUA.
- The Adaptive Management Plan (AMP) (Appendix 2B in the FEIS) will be utilized by the Agencies to address any potential water quality management issues that may occur as a result of the Project. The AMP establishes specific contingencies and practices in the event that monitoring shows exceedance of numeric water quality standards for various constituents.

Wildlife

- To minimize the possibility of unintentional take of migratory birds, Simplot will harvest timber incrementally and as late in the nesting season as possible. Prior to timber removal, Simplot will perform surveys for raptor nests and other migratory birds (with emphasis on sensitive species including northern goshawk, flammulated owls, boreal owls, and great gray owls) before the onset of nesting seasons and remove or fell trees containing nests to prevent nesting. Ground clearing will be conducted incrementally as late in the nesting season as possible and in a manner to minimize impacts to migratory birds.
- Simplot will install signs along the haul road at the wildlife crossing locations to alert drivers to the increased potential for wildlife encounters in those locations.

Grazing

- Simplot will prevent livestock grazing on active and reclaimed mine disturbances until these areas are accepted for grazing management by the CTNF. This will be done by periodic coordination between Simplot and the permittee to identify exclusion areas and discuss additional measures that may be needed, such as fencing or bilingual signs designed to inform livestock herders of grazing restrictions.
- Simplot will collaborate annually with the permittee to share mining progress plans and to discuss and resolve any potential access issues.

Visual Resources

- Simplot will manage the boundary of the GCLL to avoid the appearance of distinct lines delineating the edge of the GCLL and soften visible differences where the GCLL will not be allowed to reforest. Trees and other vegetation will be cut or allowed to grow around the periphery of the GCLL in an uneven fashion to create a more ragged and naturalized appearance.

Final Designs, Inspections, Records, and Monitoring

Ore Conveyor

- A final detailed design plan for the ore conveyor system (including stockpile) will be prepared and submitted by Simplot for review by the Agencies. Agency approval of the final design (including FS approval for both on and off lease portions of the conveyor structure) will be required prior to commencing any construction activities for the ore conveyor system.

GCLL

- The BLM will select a third-party licensed engineer or consultant with experience in quality assurance/quality control (QA/QC) of GCLL construction to assist the BLM in reviewing final design plans and in providing oversight during construction and all phases of monitoring. A memorandum of understanding (MOU) acknowledging that the contractor will work solely for BLM but will be paid under contract by Simplot shall be prepared and signed before GCLL construction. Simplot shall pay all costs associated with this consultant. The MOU must be in place prior to submittal of final design plans.
- A final detailed design plan for the GCLL cover will be prepared and submitted by Simplot for review by the BLM. Agency approval of the final design will be required prior to commencing any construction activities for the GCLL.
- All components of the GCLL cover must meet the performance standards (e.g. permeability, longevity, durability) described in the FEIS and in Simplot's 2013 preliminary cover design report.
- The preliminary stormwater plan for the GCLL will be further refined, with features more fully designed and engineered, and submitted for agency review and approval. Off-lease stormwater control features will be authorized by a USFS SUA.
- Simplot must submit a construction quality control (CQC) plan for the GCLL. This plan must be reviewed and approved by the BLM prior to commencing any construction activities for the GCLL.
- A construction quality assurance (CQA) plan will be developed by the BLM's contractor and approved by BLM prior to commencing any construction activities for the GCLL. The CQA plan will include monitoring of GCLL construction to provide data showing the cover was built in accordance to BLM-approved plans and specifications. It will also include monitoring of GCLL performance to provide data showing the GCLL is functioning as designed.
- Simplot will construct the GCLL in phases and during specific seasons, as described in Section 2.4.4.2 of the FEIS, to minimize infiltration of snowmelt and stormwater.

Agency Costs

Due to the complexity of the final design, construction, and monitoring of the mine and reclamation (including the GCLL), it is anticipated that the BLM will incur significant inspection and operational oversight costs. BLM is mandated (43 CFR 3590.2(b)) to inspect mining operations on federal phosphate leases at least quarterly. However, oversight of the complex mitigation features of Panels F and G will require a substantial effort, well beyond the mandated quarterly inspection. The BLM has sufficient staff time to accomplish the mandated level of

inspections, but to ensure that the various required mine features are constructed and implemented properly, as described in the FEIS and approved in this ROD, BLM will require additional monetary resources. In particular, oversight of cover system construction, QA/QC and cover system monitoring fall into this category of requiring additional resources. Simplot will be responsible to contribute the necessary funding for BLM oversight efforts that are above and beyond that of typical quarterly mine inspections. Simplot is required to deposit adequate funds with BLM to cover staff costs associated with inspecting the mine and directing BLM's third party cover consultant. The initial deposit shall be \$15,000 to BLM. This amount is to be deposited prior to stripping overburden in Panel G. Simplot shall ensure that contributions are timely and of such amount as to keep the account positively funded at all times until BLM's work related to the mine and cover is completed.

Monitoring

Simplot currently conducts extensive monitoring at the Smoky Canyon Mine as described in their existing CEMPP, which is updated as needed to address changing monitoring requirements. The CEMPP is an organizational tool that allows the monitoring programs for various media, including water, to be efficiently implemented. Simplot must revise the existing Smoky Canyon Mine CEMPP to include the GCLL monitoring requirements specific to this decision.

Simplot is required to annually prepare environmental monitoring reports to document and present the collected data to the USFS, BLM, and IDEQ. Monitoring required by this decision must be included in the annual reports.

Financial Assurance

Under its regulatory authority and prior to allowing Simplot to start Project ground disturbing activities, the BLM would require Simplot to post an adequate performance bond that considers the cost of complying with all permit and lease terms including royalty and reclamation requirements (43 CFR 3504.50). The bond will ensure that adequate funds are available to the federal government to close and reclaim the Project in the event that Simplot is unable or unwilling to fulfill its reclamation responsibilities. This bond amount would be in addition to the \$49,325,606 that is already held by BLM for the existing and currently permitted operations at Smoky Canyon Mine. Reclamation performance bonds are calculated according to BLM policy regarding bonding requirements and calculation guidance for phosphate mining operations (BLM 2013). The bond calculation for the Project would cover the maximum reclamation liability during the life of the Project or the period of the bond. The bond for the mine would be managed adaptively and could be increased if or as unforeseen issues arise. Periodic review and recalculation of the bond would occur, and any changes incorporated into the reclamation bond instrument, to account for factors such as inflation/deflation of fuel costs, equipment rental rates, wages, and materials. A similar actual-cost bond would also be required by the USFS for areas of Project disturbance permitted by SUAs (36 CFR 251.56(e)).

Other Conditions of Approval

- Should the approved conveyor not be constructed and instead the 25 kV power line is installed on poles rather than attached to the conveyor, Simplot will provide the final designs of the power line to BLM and USFS for approval.

- Should future monitoring of the approved geologic store and release cover indicate that it is not performing as required; BLM, in consultation with USFS, will have the option to require increased GCLL coverage on areas previously approved for the geologic store and release cover.
- Simplot must continue to comply with the COAs attached to the original approved M&RP for Panels F and G, and any subsequent COAs. The BLM Authorized Officer will provide direction regarding any conflict, if necessary.

OTHER ALTERNATIVES CONSIDERED

Issues that were raised during public scoping and agency review were used to identify potentially significant impacts that could result from the Project. In addition to the Proposed Action and the Selected Alternative (Alternative 2), the other two alternatives evaluated in detail in the FEIS were Alternative 1 and the No Action Alternative.

The alternatives analyzed in the FEIS provided a reasonable range of alternatives to evaluate opportunities to minimize potential environmental effects by considering changes to the Proposed Action. The alternatives summarized in the following discussion are described in detail in Chapter 2 of the FEIS. A tabular summary and comparison of the impacts of the alternatives considered in detail is presented in Table 2.8-1 of the FEIS. Detailed descriptions of potential effects for specific resources are described in Chapter 4 of the FEIS.

No Action Alternative

Under the No Action Alternative, the decisions from the 2008 RODs would continue to govern development of the phosphate resources of Panels F and G, and the currently approved M&RP would be executed. The M&RP would remain unchanged and lease IDI-01441 would not be modified. Overall disturbance would remain essentially the same as that approved in the 2008 RODs. Ore mined from Panels F and G would continue to be delivered to the mill via haul trucks. The previously approved geologic store and release cover would be used for reclamation as described in the 2007 FEIS and approved by the 2008 RODs.

Alternative 1

Under Alternative 1, the Panel F ore conveyor system and South ODA portions of the Project would be the same as previously described under **Simplot's Proposed Action**. The lease modification area, East ODA disturbance area, and associated stormwater control features would also be the same as described for the Proposed Action; however, two cover types (i.e., a mixed cover) would be used to cover the seleniferous overburden at Panel G. The geologic store and release cover, previously approved by the 2008 RODs (BLM 2008 and USFS 2008a) and described in Section 2.6.1 of the 2007 FEIS (BLM and USFS 2007) would be used to cover the seleniferous portions of previously approved disturbance in the East ODA and in the Panel G pit. The GCLL would be used only on 143 acres of the expanded East ODA (131 acres of new disturbance and 12 acres of the previously approved ODA). Aside from the amount of acreage covered by the GCLL, all other aspects of the GCLL would be as described in Section 2.4.4 of the FEIS.

Because the lease modification area, East ODA disturbance area, and associated stormwater control features under Alternative 1 would be the same as described for the Proposed Action,

Alternative 1 would result in 45 acres of additional disturbance compared to the Selected Alternative.

Environmentally Preferable Alternative

Alternative 2, the Selected Alternative, is the environmentally preferable alternative. As previously stated under **Considerations for the Decision**, compared to the Proposed Action and Alternative 1, the Selected Alternative (Alternative 2) will result in the smallest area of lease modification, the least new disturbance, the least disturbance within the SCRA, and the smallest area covered by the GCLL. Further, the decision maker has the option to increase the GCLL coverage, if needed, in the event that future monitoring of the geologic store and release cover indicates that it is not performing as required. Therefore, of the Action Alternatives considered, the Selected Alternative is environmentally preferable.

Overall, implementation of the Selected Alternative will result in approximately 123 acres of new disturbance all within existing leases or within the lease expansion area, with the exception of 0.7 acres of stormwater features associated with the GCLL at Panel G. This new disturbance will result in long-term negligible to minor impacts to soils, vegetation, wildlife habitat, grazing, recreation, land use, IRAs, visual resources, and Native American concerns, and tribal treaty resources. Implementation of the GCLL will result in a negligible reduction of groundwater recharge and a negligible decrease in surface water flow in lower Deer Creek, Brooks Spring, and lower Crow Creek. Recreation and land use of disturbed areas will be restricted during active mining. Areas covered by the GCLL will not be reforested, which will have long-term impacts to the aesthetics of the area and the potential to produce forest products.

The No Action Alternative would have the fewest environmental impacts of all the analyzed alternatives. Under the No Action Alternative, the proposed lease and mine plan modifications would not be approved and the decisions from the 2008 RODs would continue to govern development of the phosphate resources at Panels F and G. However, the No Action Alternative does not satisfy the purpose of and need for the action, which in part is to ensure economically viable development of the phosphate resources in accordance with federal law and regulations governing federal leases. The No Action Alternative would prevent Simplot from exercising their contractual rights in terms of ultimate maximum recovery (43 CFR 3594.1), as Simplot estimates that approximately 50 percent of the phosphate ore in lease IDI-01441, previously considered economically recoverable, would not be mined because there is not sufficient storage area for the associated overburden/waste rock disposal external to the Panel G pit without expansion of the East ODA.

Alternatives Considered but Eliminated from Detailed Analysis

In addition to the Proposed Action, Alternative 1, the Selected Alternative (Alternative 2), and the No Action Alternative, six other alternatives identified through the scoping process were considered in the FEIS. These alternatives and the reasons why they were eliminated from further consideration are discussed in Section 2.9 of the FEIS. Generally, the alternatives were found to be technically infeasible, economically unreasonable, insufficient to meet the purpose of and need for the Project, or the same issues raised were better addressed with one of the Action Alternatives carried forward for in-depth analysis in the EIS.

PUBLIC INVOLVEMENT

Public Involvement Process

Following receipt of Simplot's proposed lease and mine plan modifications, the BLM published a Notice of Intent (NOI) to prepare an EIS and to commence public scoping on June 24, 2013. Legal notices and several press releases were also published. Prior to initiation of formal scoping, as a part of routine contacts, the BLM introduced the proposed Project to the Shoshone-Bannock Tribes and the Idaho Roadless Commission on February 20 and March 4, 2013, respectively.

Public comments received during the scoping period, which included comments received by the BLM and USFS at public meetings, were used to determine the issues and alternatives for evaluation in the environmental analysis. Comments were submitted by agencies, groups, and interested citizens. Concerns identified included potential effects of the Project on IRAs, water quality, wetlands, wildlife and fishery habitats, livestock grazing, soils, air quality, socioeconomics, private property values, forested areas, recreation, development of BMPs for mine operations, and 1868 Fort Bridger Treaty Rights.

The Notice of Availability (NOA) for the DEIS was published in the Federal Register by the BLM and EPA on May 30, 2014. The EPA's NOA initiated the 45-day comment period on the DEIS. Agencies, organizations, and interested parties provided comments on the DEIS via mail, email, and at public meetings.

A total of seven comment letters were received. Comments received on the DEIS expressed support for the Project, as well as concerns about Project components and impacts including the conveyor system, surface and groundwater quality issues (i.e., selenium), financial assurances, use of the GCLL, and soils. A summary of the comments can be found in Chapter 7 of the FEIS.

The Project mailing list was originally compiled by the USFS and was composed of individuals, agencies, and organizations who had expressed interest in similar projects. The mailing list was revised as needed by adding individuals who responded to the scoping letter, legal notices, NOI, DEIS, NOA, as well as those who attended the public meetings and unsolicited commenters. The updated mailing list for the FEIS is located in Chapter 6 of the FEIS.

The FEIS was released on March 27, 2015. The BLM and EPA NOAs were published in the Federal Register announcing the availability of the FEIS. The EPA's NOA started the BLM's 30-day FEIS availability period, which ended on April 27, 2015. This period is not a comment period, but a period of time in which the FEIS is available to the public prior to the BLM decision.

The BLM received two letters submitted in response to the release of the FEIS. Both letters were reviewed, and the BLM determined they did not contain any new and significant information that triggered the need for supplemental analysis.

One letter stated that the issues previously raised on the DEIS such as the development of an adaptive management plan, the need for long-term monitoring, and additional information on financial assurance were adequately addressed in the FEIS. The letter also provided recommendations for potential mitigation measures to reduce greenhouse gas emissions, some of which are either already part of the current Project (i.e., use of a conveyor) or are beyond the scope of the Project (e.g., on-site solar or geothermal power generation).

The second letter was submitted after the 30-day FEIS availability period. The letter provided recommendations specific to inclusion of requirements for water quality monitoring; an adaptive management plan; wildlife mitigation for the ore conveyor; financial assurances; reclamation goals, and objectives for soil and vegetation; and for Simplot to submit a revised M&RP that is consistent with the alternative selected in this decision. While the recommendations had merit, most are already part of the current Project, either as components of the Selected Alternative as described in the FEIS or as continuing requirements in the 2008 ROD. A COA was added to this ROD requiring Simplot to install signs along the haul road at the wildlife crossings at the ore conveyor to alert drivers to the increased potential for wildlife encounters in those locations. Some recommendations duplicated existing federal requirements (e.g., performance bonding, reclamation requirements) that apply to all phosphate mines operating on federal leases or lands. To avoid potential confusion or conflict with existing requirements, these were not reformulated and required in this decision. The letter also recommended the BLM provide local and regional press releases in the event of any hazardous leaks or contamination events at the Smoky Canyon Mine, which is beyond the scope of the Project. Public notice of such occurrences is already provided by the respective jurisdictional agencies (e.g., EPA and IDEQ). In addition, all environmental monitoring data is available for public review and copies can be obtained at the BLM Pocatello Field Office. (Documentation of how letter recommendations were addressed is included in the Project Record, and a letter of explanation was provided to the responder.)

Agency Consultation

The following state and federal agencies were consulted during preparation of the EIS:

- IDEQ
- Idaho Department of Fish and Game
- Idaho Department of Lands
- Idaho Department of Water Resources
- Corps
- EPA
- USFWS

Because of its special expertise and authority under various environmental regulations for surface water and groundwater such as the Idaho Ground Water Quality Rule, the BLM invited the IDEQ to participate as a cooperating agency on the EIS. During the preparation of the groundwater and surface water related portions of the EIS, IDEQ participated in data analysis and document review and in Project meetings as needed to provide overall regulatory advice and expertise.

Government-to-Government Consultation with the Shoshone-Bannock Tribes

The BLM and USFS coordinated with the Shoshone-Bannock Tribes throughout the EIS process. Formal government-to-government consultation with the Fort Hall Business Council of the Shoshone-Bannock Tribes was conducted on January 23, 2014 and again on December 17, 2014. BLM and USFS staff met with Shoshone-Bannock Tribal staff on February 20 and December 2 in 2013 to provide descriptions of the Project and discuss items of concern. A third staff-to-staff meeting was held on November 18, 2014, to present the Agency Preferred Alternative for the Project. Copies of both the DEIS and FEIS were provided to the Council Chairman in advance of document release to the public. Two of the public meetings were held at Fort Hall.

The BLM understands the Shoshone-Bannock Tribes are generally opposed to the Project due to concerns about loss of resources and the ability to exercise their reserved rights under the Fort Bridger Treaty. A No Action Alternative, which would result in no additional mine disturbance, was fully evaluated in the FEIS and considered by the BLM. The Action Alternatives, including the Selected Alternative, include additional disturbance; however, the analysis indicates that there will be no additional impacts to groundwater or surface water and, if the ore conveyor is implemented, there will be a reduction in air quality impacts from mining in Panels F and G. BLM has considered the Tribes' position, but feels the Selected Alternative would not result in significant impacts to the Tribes or tribal resources. The Selected Alternative is responsive to the two primary issues communicated to the Agencies by the Tribes—it includes an additional wildlife crossing at a recommended location along the conveyor route, and a 45-acre reduction in the size of the East ODA.

Idaho Roadless Rule

The SCRA and MPRA are present in the Project Area. Idaho Governor James Risch presented a petition for rulemaking under Section 553(e) of the Administrative Procedures Act on behalf of the State of Idaho on November 29 and 30, 2006. That proposal, the Idaho Roadless Rule, designated a system of lands titled Idaho Roadless Areas and established five management classifications for individual roadless areas: Wild Land Recreation; Special Areas of Historic and Tribal Significance; Primitive; Backcountry/Restoration; and General Forest, Rangeland, and Grassland.

In August 2008, the Roadless Area Conservation, National Forest Lands in Idaho FEIS (USFS 2008b) was issued. The Final Rule and Record of Decision on Idaho Roadless Area Conservation were published in the Federal Register on October 16, 2008. The October 16, 2008 Final Idaho Roadless Rule has been upheld by both the Federal District Court for Idaho and the U.S. Court of Appeals for the Ninth Circuit (2013), and it is currently the law of the land in Idaho.

Parts of this decision authorize uses of NFS lands in IRAs which are subject to the Idaho Roadless Rule. The rule does not restrict activities on existing leases IDI-01441 (Panel G), issued September 28, 1950, and IDI-27512 (Panel F), issued January 1, 2001, because they were both issued prior to October 16, 2008 (36 CFR 294.25(a)). The lands that will be added to lease IDI-01441 through the approved modification would typically be subject to the restrictions of the rule but, because they are associated with development of phosphate deposits, they are exempt from those restrictions. Specifically, the Idaho Roadless Rule prohibits a USFS responsible official from approving road construction and reconstruction and the cutting, sale, or removal of timber in IRAs except when the responsible official determines certain circumstances apply (36 CFR 294.23-25). The IRAs within the Project Area are under the General Forest, Rangeland, and Grassland theme (USFS 2008b, Figure 3-20). The following provision at 36 CFR 294.25(e) of the Idaho Roadless Rule allows activities associated with phosphate deposits in this particular theme:

For mineral leases, contracts, permits, and other associated activities authorized after October 16, 2008, the Forest Service will not recommend, authorize, or consent to road construction or reconstruction associated with mineral leases in Idaho Roadless Areas designated as General Forest, Rangeland, and Grassland theme; except such road construction or reconstruction may be authorized by the

responsible official in association with phosphate deposits as described in Figure 3–20 in section 3.15 Minerals and Energy in the Roadless Area Conservation; National Forest System Lands in Idaho Final Environmental Impact Statement. Surface use or occupancy without road construction or reconstruction is permissible for all mineral leasing unless prohibited in the land management plan components.

The USFS presented the Project to the Idaho Roadless Commission on March 13, 2013 and November 6, 2014, and no issues were identified. The Project is determined to be in compliance with the Idaho Roadless Rule; the lease and mine plan modifications in Panels F and G located in the SCRA and MPRA may be authorized under exceptions to the prohibitions in the 2008 Idaho Roadless Rule at 36 CFR 294 Subpart C (USFS 2015).

PROJECT COMPLIANCE WITH ESTABLISHED REQUIREMENTS

There are numerous laws and regulations with which the Project and related FEIS must comply. Section 1.3 of the FEIS documents the permits and approvals needed by Simplot. The following list of laws is not exhaustive, but includes the major applicable laws.

Caribou National Forest Revised Forest Plan

The Project Area is within NFS lands and the BLM has considered recommendations from the USFS regarding the Project. The USFS has determined the Project is consistent with applicable standards, guidelines, goals, and objectives of the 2003 Caribou National Forest Revised Forest Plan (USFS 2015).

BLM Pocatello Resource Management Plan

The Project is subject to the BLM Pocatello Resource Management Plan (RMP) (BLM 2012), which was approved July 10, 2012, by the Idaho BLM State Director. Objective ME-1.2 of the RMP and Action 1.2.4 indicate the BLM will coordinate with agencies with other surface management responsibilities, and that leasable minerals on the CTNF will be managed consistently with forest plan direction. Because the actions described in Alternative 2 are in compliance with the 2003 Caribou National Forest Revised Forest Plan, they are therefore in compliance with the RMP.

Federal Land Policy and Management Act

This decision has been reviewed for compliance with land management agency policies, plans, and programs. This decision is in conformance with the direction for mineral development contained in the Pocatello RMP (BLM 2012), and the Caribou National Forest Revised Forest Plan (USFS 2003). The Selected Alternative has been designed and mitigated to ensure that unnecessary or undue environmental degradation does not occur. This decision recognizes public lands as an important source of mineral resources and manages within the principles and concepts of multiple-use and sustainable development.

National Environmental Policy Act

The lease and mine plan modifications have the potential to result in significant effects to the environment. Therefore, in accordance with the provisions of NEPA, this decision considers

alternatives and mitigations developed to minimize degradation to the environment. The EIS was prepared to make environmental information available to agency decision makers, other agencies, and the public. Because there are potential impacts to surface water and groundwater, and because of their special expertise, the IDEQ is a cooperating agency in the preparation of the EIS.

Mineral Leasing Act

The Selected Alternative will allow Simplot to exercise their existing mineral development rights granted in their federal mineral leases. The Selected Alternative also includes modification of an existing lease, which will ensure that the ultimate maximum recovery of the mineral deposit can occur. As dictated by the Mineral Leasing Act, Simplot will pay rent and a gross value royalty on phosphate production to the U.S.

Mining and Mineral Policy Act

This decision is in harmony with the direction given in the Mining and Mineral Policy Act to foster and encourage private enterprise in development of economically sound and stable domestic mining and minerals industries, and to foster orderly economic development of domestic minerals resources and reclamation of mined lands.

Endangered Species Act

As required by Section 7 of the Endangered Species Act, the USFS consulted with the USFWS to ensure that its actions are “not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species,” which the Secretary of the Interior determines to be critical (16 United States Code 1536). The USFS prepared a combined biological assessment (BA) and biological evaluation to identify endangered or threatened species likely to be affected by this decision. On April 8, 2014, this Project was presented at the annual meeting between the USFWS and the USFS in Pocatello, Idaho (USFWS 2014). The determination at this meeting was that re-initiation of consultation for this Project was not necessary and the previous determinations for threatened, endangered, proposed, and candidate species affected by the original Smoky Canyon Mine Panels F and G project as described in the BA (USFS 2006) and the USFWS concurrence on the BA (USFWS 2006) are still valid for this Project. Specifically, the effects determination of May Affect, Not Likely to Adversely Affect for Canada lynx (*Lynx canadensis*, as a Threatened species) is still valid because the elements of this Project will not result in effects not previously considered in the 2006 consultation process (USFWS 2014). The BA also states that the appropriate determination for the greater sage-grouse (*Centrocercus urophasianus*, as a Candidate species), if listed under the Endangered Species Act, will be May Affect, Not Likely to Adversely Affect. Those determinations are listed in Section 4.8 of the FEIS. The USFS authorization therefore meets the requirements of the Endangered Species Act and no additional involvement by the USFWS is needed.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires the federal agencies to evaluate potential effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Section 106 process seeks to accommodate historic preservation concerns with federal

undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties. The state SHPO administers the national historic preservation program at the state level. There are no cultural resources located along the ore conveyor system route. Two historic sites located in the Panel G portion of the Project Area are not eligible for the National Register of Historic Places and do not require further management (SHPO 2013). These findings meet the requirements of the NHPA.

Clean Water Act and Idaho Ground Water Quality Rule

Because there will be no impacts to wetlands or waters of the U.S from the Selected Alternative, no new certifications, permits, or decisions are required from the Corps. Simplot will update the Smoky Canyon Mine SWPPP, which guides implementation of appropriate site specific activities designed to protect the quality of surface waters from stormwater discharge under the CWA. Streams not meeting beneficial uses are recommended by the states to EPA for listing as impaired under Section 303(d) of the CWA. The applicability of the latest 303(d) listing to Project impacts is discussed in the FEIS. The IDEQ has concurred with the assessment contained in the FEIS (IDEQ 2015), and the Project is anticipated to comply with State surface water quality regulations, the CWA, and the Idaho Ground Water Quality Rule through application of mitigation measures.

Clean Air Act

Air emissions from the Selected Alternative are regulated by IDEQ and EPA regulations. The Smoky Canyon Mine operates under an IDEQ permit issued July 6, 1983, which addresses the mill boiler, fugitive dust control measures, haul truck speed limits, blasting and drilling dust suppression, and other air pollution control requirements.

In March 2013, Simplot submitted a Permit Applicability Determination along with an Air Permitting Analysis to IDEQ for the ore conveyor system. In April 2013, IDEQ issued a letter to Simplot indicating that the proposed conveyor system meets the permit to construct exemption requirements.

Environmental Justice

This decision will not have disproportionately high or adverse human health or environmental effects on one minority over another or low-income populations under Executive Order 12898. The FEIS analysis demonstrates that the Selected Alternative will not have a discernible effect on minorities, American Indians, women, or the civil rights of any U.S. citizen, nor will it have a disproportionate adverse impact on low income individuals. Minority and low income representation within the nearby communities, such as Afton and Fairview, Wyoming, or ranchers along Crow Creek Road is generally low. Exposure to high and adverse environmental impacts is not anticipated.

The Project Area is important, but represents a very small part of the lands available to the Shoshone-Bannock Tribes for exercising activities granted in tribal Treaty Rights. The physical effects of the Project, hence the physical surface resources affected, will be localized to the Project Area. The physical occupation of the Project Area during the Project will be for a limited time and then the area will be reclaimed; therefore, the impacts to Treaty Rights will be temporary. Project design, EMPs, BMPs, and mitigation measures have been designed and are required to ensure the health and safety of Tribes that may exercise Treaty Rights by utilizing

game, plants, and other materials. These Project design features eliminate or reduce uptake of selenium in plants and animals and to achieve compliance with applicable water quality standards. Overall, there will be no disproportionately high or adverse human health or environmental effects to the Shoshone-Bannock Tribes as a result of the Selected Alternative.

Migratory Bird Treaty Act

In January 2001, President Clinton signed Executive Order 13186 requiring federal agencies (those taking actions that may negatively impact migratory birds) to develop a MOU with the USFWS to promote the recommendations of various migratory bird programs and conservation considerations. The USFS developed a MOU with the USFWS in 2008. The needs of migratory birds have been incorporated into the mitigation required in this decision related to clearing vegetation prior to mining operations (Section 4.8 of the FEIS).

FINAL AGENCY ACTION

It is my decision to approve the Smoky Canyon Mine, Panels F and G Lease and Mine Plan Modifications, as described by Alternative 2, subject to the EPMs common to all Action Alternatives, mitigation, monitoring, and conditions developed in the FEIS, and subject to additional COAs described in this decision record. It is also my decision to recommend to the Idaho State Office that the proposed lease modification to lease IDI-01441 be approved.

Implementation of this decision may begin at the close of an appeal-filing period which begins today and ends 30 days after publication of notice in the Idaho State Journal. The administrative remedy process, which contains information and procedures for taking appeals to the Interior Board of Land Appeals, is provided in **Appendix I**.



Jeremy Casterson
Acting BLM Idaho Falls District Manager

JUN 15 2015

Date

REFERENCES

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- BLM. 2012. Record of Decision and Approved Pocatello Resource Area Resource Management Plan.
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- BLM and USFS (U.S. Forest Service). 2007. Smoky Canyon Mine, Panels F and G—Final Environmental Impact Statement.
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- IDEQ (Idaho Department of Environmental Quality). 2015. Letter from Jess Byrne, Interim Director of IDEQ to Jeremy Casterson, Acting Manager, Idaho Falls District, BLM, Subject: 2015 Smoky Canyon Mine, Panels F&G Modified Final Environmental Impact Statement. June 8, 2015.
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- U.S. Court of Appeals for the Ninth Circuit. 2013. Gerald Jayne; Greater Yellowstone Coalition; the Lands Council; Natural Resources Defense Council; Sierra Club; The Wilderness Society, versus Harris Sherman, Under Secretary for Natural Resources and Environment; Tom Tidwell, Chief, U.S. Forest Service; Rowan Gould, Acting Director, U.S. Fish and Wildlife Service; Ken Salazar, Secretary, U.S. Department of the Interior; Tom Vilsack, Secretary, U.S. Department of Agriculture, in their official capacities. January 7, 2013.
- USDA (U.S. Department of Agriculture). 2013. Soil Survey Staff. Natural Resources Conservation Service. ENG-Construction Materials; Reclamation. August 21, 2013.
- USFS (U.S. Forest Service). 2015. Letter to Acting BLM Idaho State Director Jeffery Foss regarding the Proposed Lease and Mine Plan Modifications for the Smoky Canyon Mine, Panels F and G. Caribou-Targhee National Forest, Garth Smelser, Forest Supervisor. April 20, 2015.
- USFS. 2008a. Smoky Canyon Mine Panels F and G Authorization of Off-Lease Activities Record of Decision. June 2008.
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- USFS. 2006. Biological Assessment. Threatened, Endangered, Proposed, and Candidate Wildlife and Plant Species for the Preferred Alternative of the Smoky Canyon Mine Panels F and G. September 1, 2006.

USFS. 2003. Caribou National Forest Revised Forest Plan.

USFWS (U.S. Fish and Wildlife Service). 2014. Streamlining Section 7 Consultation - Caribou Targhee National Forest. April 8, 2014. Smoky Canyon Mine, Panels F & G Lease and Mine Plan Modification Project.

USFWS. 2006. Biological Assessment for the Smoky Canyon Mine Panels F and G Expansion, Caribou County, Idaho Concurrence. File #1050.4025; TAILS # I-1049. (October 2, 2006).

Appendix I:
Administrative Remedy Process

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed within 30 days from receipt of this decision. The appellant has the burden of showing the decision appealed is in error. Your notice of appeal must be mailed to:

Bureau of Land Management
Idaho Falls District Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) 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 the notice of appeal and petition for a stay must also be submitted to each party named in this 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.

Standards for Obtaining a Stay

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:

- The relative harm to the parties if the stay is granted or denied;
- The likelihood of the appellant's success on the merits;
- The likelihood of irreparable harm to the appellant or resources if the stay is not granted; and,
- Whether the public interest favors granting the stay.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to:

U.S. Department of the Interior
Boise Field Solicitors Office
University Plaza
960 Broadway Ave., Suite 400
Boise Idaho, 83706