

Smoky Canyon Mine  
East Smoky Exploration Plan  
Categorical Exclusion Documentation and Review  
June 2014  
DOI-BLM-ID-I020-2014-0004-CX

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## **A. Background**

BLM Office: Pocatello Field Office

Lease/Serial/Case File No: Federal Phosphate Leases I-26843, I-012890 and I-015259

Proposed Action Title/Type: East Smoky Exploration Plan

Location of Proposed Action: Caribou County, Idaho. T08S R46E Sections 20, 29 and 32, Boise Meridian.

Description of Proposed Action: On October 21, 2013, the J.R. Simplot Company (Simplot) submitted the East Smoky Exploration Plan at the Smoky Canyon Mine (Figure 1). The proposed action would occur on private (Simplot owned) and National Forest System lands within Federal phosphate leases I-26843, I-012890 and I-015259 administered by the Bureau of Land Management (BLM). The exploration activities are a modification of a previously approved Exploration Plan evaluated by two Environmental Assessments (EAs).

The initial exploration projects conducted at East Smoky occurred in the 1980's and 1990's. The most recent exploration activity was completed in 1997 and 1998. It consisted of drilling 78 exploration holes and resulted in 14.4 acres of surface disturbance. On December 6, 1996, Simplot submitted the Panel B Exploration Extension of 1996 Operations Request to allow additional exploration work in the East Smoky area. The exploration plan was evaluated in two separate EA's, ID-037-97-071 and ID-037-97-058 for *Smoky Canyon Mine Panel B Exploration Proposals* and approved by the BLM and US Forest Service (FS) Finding of No Significant Impacts (FONSI's) on July 1, 1997 and July 25, 1997, respectively. Two separate EA's were completed to evaluate the different surface ownership of the proposed exploration area. EA ID-037-97-071 was completed for the private, Simplot owned property; property that was at the time owned by Peterson Ranch that Simplot has now acquired. EA ID-037-97-058 was completed for the FS administered lands.

Surface disturbance activities for the proposed action would be within the same disturbance footprint that was evaluated for environmental impacts during the two 1997 EA's. The total surface disturbance associated with the proposed exploration activities is 8.8 acres of re-disturbance and 7.7 acres of new disturbance from drilling 52 exploration holes. Exploration activities at East Smoky are being proposed to determine if the mining of phosphate from Federal Phosphate Leases I-26843, I-012890 and I-015259 is economically feasible.

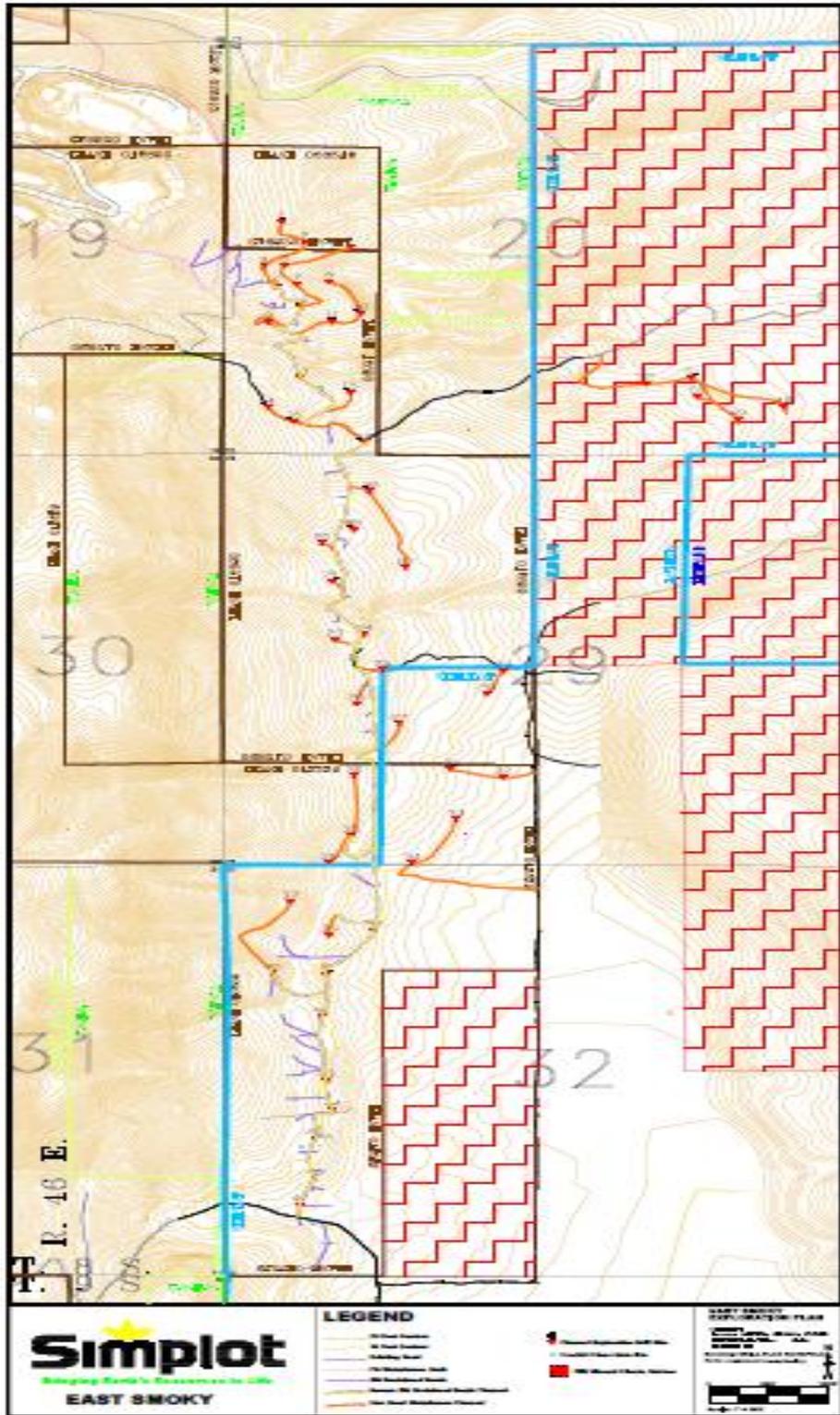


Figure 1 Location of Proposed Action

Federal Phosphate Leases I-26843, I-012890 and I-015259 are administered by the BLM. Therefore, the BLM is responsible for coordinating with agencies, as well as the land management agency (i.e., FS), as part of the review of Simplot's proposed exploration plan.

## **B. Extraordinary Circumstances Requiring Preparation of an EA or EIS**

The action described in categorical exclusion DOI-BLM- I020-2014-0004-CX has been reviewed to determine if any of the following extraordinary circumstances listed below apply, as listed in the Departmental NEPA regulations (43 CFR 46.215). A rationale for why the circumstance does not apply is included below:

### **2.1 Have significant impacts on public health or safety.**

No public health or safety issues exist with implementation of the proposed action.

### **2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.**

The proposed action would occur on National Forest System and privately owned lands. There are no known or designated historic or cultural resources, parks, recreation lands, refuges, wilderness areas, wild or scenic rivers, national natural landmarks, national monuments, sole or principal drinking water aquifers, prime farmlands, or any other ecologically significant or environmentally critical areas in the proposed project area. Additionally, no significant impacts would be expected to occur to floodplains or wetlands. At least three cultural resource surveys have been conducted in the proposed action area boundary. They include: CB-97-432 (May 1997), CB-97-434 (July 1997) and Smoky Canyon B and C Project Cultural Resource Inventory and Assessment (September 2000). No cultural resources were identified within the confines of the project boundary. Several mitigation measures for protecting migratory birds are included in the proposed exploration plan and will be incorporated into the conditions of approval. Therefore, impacts to migratory birds are not anticipated.

### **2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].**

No highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources have been identified. The proposed action would occur within Federal mineral leases held by Simplot. The current land use, phosphate mining, is already approved and the proposed action would not change existing resource uses. The amount of new surface disturbance would be negligible compared to that previously approved for mining activities at Smoky Canyon Mine. Exploration drilling has and is occurring at multiple locations in the region. Previous drilling in the region has not had any highly controversial impacts.

**2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

No highly uncertain and potentially significant environmental effects or unique or unknown environmental risks have been identified. The proposed exploration activities are within the overall study area analyzed by previous NEPA documents for East Smoky. The additional 16.5 acres of disturbance associated with the proposed action is a negligible amount relative to that previously approved for mining activities at Smoky Canyon Mine. Exploration drilling has and is occurring at multiple locations in the region. Previous drilling in the region has not had any highly controversial impacts.

**2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.**

The proposed action would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. Several evaluations for environmental impacts have previously been conducted for this study area. The proposed action is smaller in scope and impact potential than activities previously evaluated. Exploration drilling has and is occurring at multiple locations in the region. Previous drilling in the region has not had any highly controversial impacts.

**2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.**

The proposed action would increase the current disturbance at Smoky Canyon Mine by 16.5 acres. Of that total, 8.8 acres is re-disturbance and only 7.7 acres would be new disturbance within areas that have been previously evaluated for environmental impacts. This represents a negligent amount of disturbance when compared to the total disturbance approved to date for the mine. No other activities are currently taking place in the vicinity of the proposed action that would potentially result in cumulatively significant environmental effects.

**2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.**

The area proposed for disturbance has been surveyed with regards to cultural resources and no additional impacts from the proposed action are anticipated. At least three cultural resource surveys have been conducted in the proposed action area. They include: CB-97-432 (May 1997), CB-97-434 (July 1997) and Smoky Canyon B and C Project Cultural Resource Inventory and Assessment (September 2000). No eligible properties or properties eligible for listing were identified within the confines of the project boundary.

**2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.**

For the purposes of this DNA an updated species list to convey the current presence of ESA listed species potentially occurring in the project areas was requested. According to the USFWS IPaC species list for the project area (dated March 14<sup>th</sup> 2014, Consultation tracking #: 01EIFW00-2014-SLI-0252), the following Listed Species were shown as potentially occurring in the project area; Bliss Rapids snail (*Taylorconcha serpenticola*), Canada Lynx (*Lynx canadensis*), and the North American wolverine (*Gulo gulo luscus*). This project and its potential impacts to the above listed species were discussed at the April 8<sup>th</sup>, 2014 streamlining meeting between the USFWS and the Forest Service. During that meeting it was determined that the proposed project would have *No Effect* on the above listed species. Given that species lists are only valid for a period of 90 days, an updated species list for the project area was requested and received on June 3<sup>rd</sup>, 2014 (Consultation Tracking #: 01EIFW00-2014-SLI-0541 dated June 3<sup>rd</sup>, 2014. No changes in the list of species potentially occurring in the project area have occurred.

No designated critical habitat for any species occurs within the project area.

Additional surveys for Special Status Wildlife Species were conducted by JBR Environmental Consultants, Inc. (JBR) during March, April and May 2014 to supplement previously conducted wildlife surveys. JBR survey's did not identify any listed or candidate species,

JBR's surveys did identify the presence of sensitive species at the project site through visual observations or call responses, which including the gray wolf, northern goshawk, flammulated owl, great grey owl, boreal owl and the three-toed woodpecker. Several active and inactive nests were also identified during the surveys, but none were occupied by sensitive species. The proposed exploration plan is conditioned with adequate mitigation for these sensitive species and migratory bird nests.

A previously undocumented sage grouse lek was reported to exist to the north of the proposed disturbance area in April 2014. It is not anticipated that this lek will be impacted by the proposed work activities given the timeframe in which the project will occur (generally after August 15<sup>th</sup>) and that most of the project activities will be occurring in forested habitat, which is not suitable for sage grouse. No Sage Grouse Preliminary General Habitat (PGH) or Preliminary Priority Habitat (PPH) exists within the project area.

**2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.**

The proposed action is not expected to violate any known law or requirement imposed for the protection of the environment.

**2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

The proposed action would not have any discernible effect on low income or minority populations.

**2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).**

The proposed action would not limit access or use of such sites, nor would it adversely affect the physical integrity of such sites.

**2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).**

The approved exploration activities require Simplot to take measures to prevent the introduction, continued existence, or spread of noxious weeds and non-native invasive species. It is unlikely the proposed action would contribute to the introduction or spread of such species. All heavy equipment will be steam cleaned and/or pressure washed prior to traveling on USFS lands to prevent weed seed transportation by vehicles. Additionally, noxious weeds will be controlled on drill sites in order to avoid transporting of weed seeds.

**C. Land Use Plan Conformance**

There are two Land Use Plans (LUPs) applicable to the proposed action: the *Caribou National Forest Revised Forest Plan* approved February 13, 2003 and the BLM's *Pocatello Resource Management Plan* approved April 4, 2012. The proposed action is in conformance with these LUPs which specifically allow a lessee or designated operator to mine phosphate on a Federal phosphate lease. The proposed action is subject to the same conditions of approval and mitigation measures developed during NEPA review of the exploration plan, and would not change the mitigation measures that are part of the BLM approval documents.

It is typical for an approved exploration plan to be adjusted in order to accommodate new information that affects mining and reclamation. Reclamation and environmental control measures may also need to be adjusted based on new information such as monitoring results. This situation is considered to be standard practice. Exploration plan modifications are codified in Title 43 of the *Code of Federal Regulations*, Part 3506.2, 3590.2 and 3592.1, and are anticipated when BLM conducts NEPA analysis and implements a decision to allow exploration.

**D. Compliance with NEPA:**

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM, Chapter 11, Section F—Solid Minerals, (7) “Approval of a minor modification to or minor variances from activities described in an approved exploration plan for leasable minerals.

This CX is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

**E. Decision Record / Rationale:**

My decision is to approve the proposed East Smoky Exploration Plan as part of a minor modification to the approved exploration plan for Smoky Canyon Mine. I have reviewed and assessed the proposal within the intent of the CX described in 516 DM 11.9, Section F—Solid Minerals and have determined that extraordinary circumstances do not exist that would require further NEPA analysis.

Simplot holds the lease issued to them by the Federal government that allows them exclusive rights to mine phosphate reserves within the lease. This decision allows them to exercise those rights subject to adherence to mitigation measures that are part of their lease and also those that are in their approved exploration plan. The proposed action is categorically excluded from further documentation under NEPA.

**F. Appeals Information:**

Appeals information can be found at 43 CFR 4.410.

**G. Implementation:**

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan. The activities meet the category of actions noted above and I have determined that none of the exceptions apply; therefore, no further environmental documentation is required.

**H. Signature**



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Authorized Officer  
Joe Kraayenbrink  
Idaho Falls District Manager

6/6/14  
Date

**Contact Person**

For additional information concerning this CX review, contact Jeff Cundick, Minerals Branch Chief, at (208) 478-6354.

## References

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