

**Smoky Canyon Mine Panel F-2 Layback
Categorical Exclusion Documentation and Review
January 2015
DOI-BLM-ID-I020-2015-0005-CX**

A. Background

BLM Office: Pocatello Field Office

Lease/Serial/Case File No: Federal Phosphate Lease I-27512

Proposed Action Title/Type: Smoky Canyon Mine Panel F-2 Layback

Location of Proposed Action: Caribou County, Idaho. Within Sections 24, 25, and 26 of T09S R45E, Boise Meridian.

Description of Proposed Action: On June 3, 2014, the J.R. Simplot Company (Simplot) proposed a minor mine plan modification to layback the footwall in a section of Panel F-2 at Smoky Canyon Mine. The purpose of the proposed action is to stabilize the footwall to prevent slope failure. Initial footwall failure in Panel F-2 occurred on November 23, 2011, and resulted in approximately 600 cubic yards of material sloughing from the footwall. Simplot attributed the failure to poor structural integrity of the underlying highly-faulted geology. On December 9, 2011, the Bureau of Land Management (BLM) approved Simplot's proposal for a 1.7-acre layback within lease I-27512; however, the footwall has continued to slough despite the layback. The current proposal would result in an additional 10.6 acres of disturbance on National Forest System lands and within Federal phosphate lease I-27512 administered by the BLM. Failure to address the footwall instability would pose a significant safety risk to miners throughout the life of Panel F-2.

Mining in Panel F was analyzed in the 2007 *Smoky Canyon Mine Panels F and G Final Environmental Impact Statement* (2007 FEIS) and approved by the BLM *Record of Decision* issued on June 6, 2008. The 10.6 acres proposed for layback is within the overall study area analyzed in the 2007 FEIS. The proposed layback would result in the generation of an additional 1.7 million bank cubic yards of non-seleniferous overburden, which would eventually be returned to the pit as backfill. This is a negligible amount relative to that approved under the existing mine and reclamation plan for Panel F. The proposed action would not increase the seleniferous footprint of the mine disturbance, nor would not result in a measurable change to the final mine configuration.

B. Categorical Exclusion Extraordinary Circumstances Review

The following review has been undertaken by BLM to determine if any extraordinary circumstances may apply (516 DM 2, Appendix 2) that would require preparation of either an environmental assessment or an environmental impact statement instead of this categorical exclusion (CX) for the action:

2.1 Have significant impacts on public health or safety.

No public health or safety issues exist with implementation of the proposed action. The proposed action is intended to preserve the safety of the mine workers by reducing the risk of further footwall collapse.

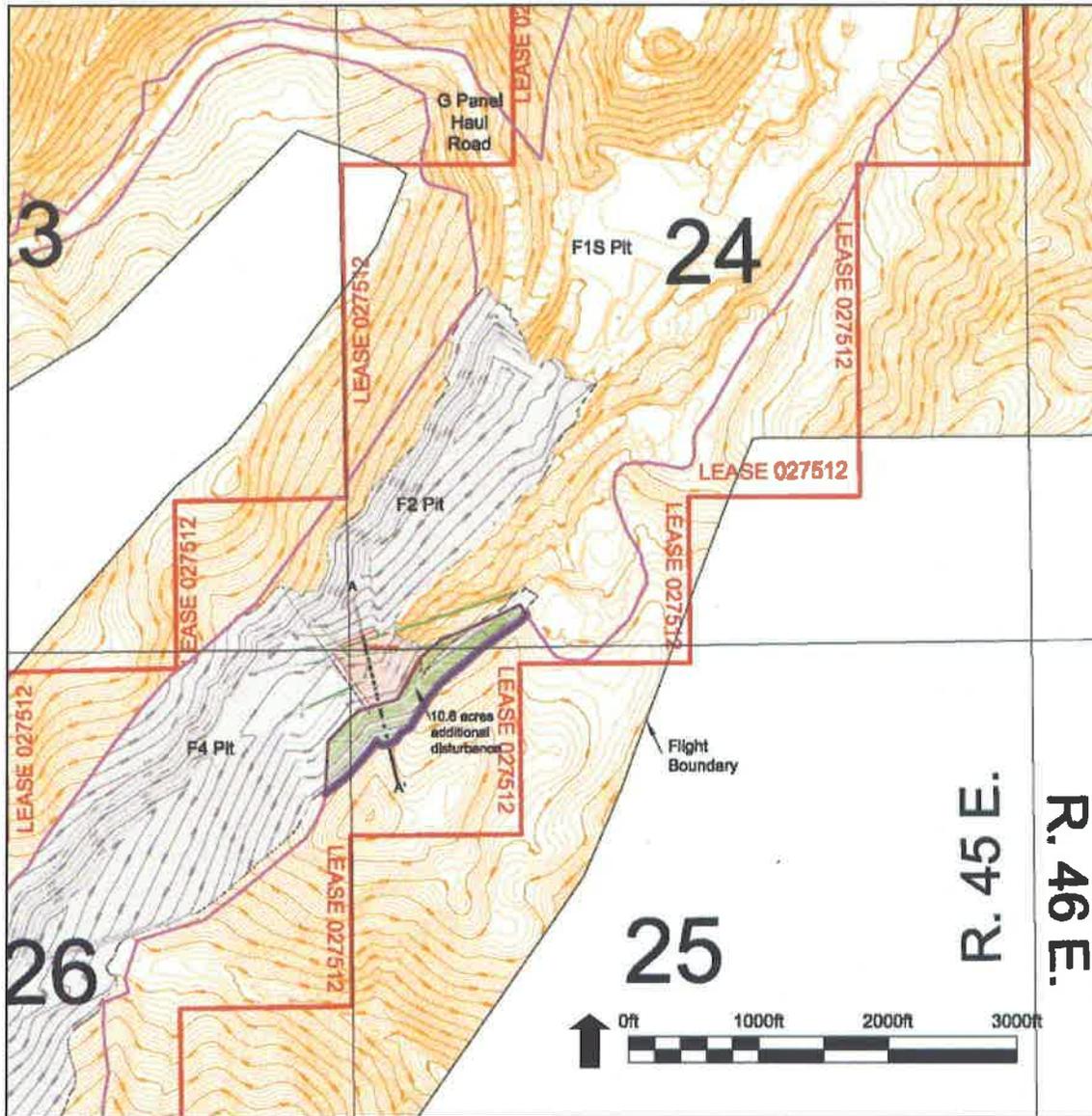


Figure 1. Location of proposed action (map from Simplot's 2014 proposal).

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 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, prime farmlands, or any other ecologically significant or critical areas in the proposed project area. No significant impacts would be expected to occur to groundwater, floodplains, or wetlands.

The proposed action would occur outside of the nesting period to avoid potential impacts to migratory birds.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [*National Environmental Policy Act (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 a Federal mineral lease held by Simplot. The current land use, phosphate mining, is already approved. This modification would not change existing resource uses.

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

Mining has been approved and is occurring within Panel F. No highly uncertain and potentially significant environmental effects or unique or unknown environmental risks have been identified.

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

As mining in Panel F has already been approved, 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.

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

The proposed action would increase the disturbance at Panel F by 10.6 acres, which is less than 1.8% of the previously approved 592 acres. 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.

No properties either listed or eligible for listing on the National Register of Historic Places were identified at the site. (Reference: *Baseline Technical Report for Cultural Resources—Deer and Manning Creek Phosphate Lease Areas, Smoky Canyon Mine*; Frontier Historical Consultants; February 18, 2004.)

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.

Potential impacts to listed and candidate species were evaluated as part of the 2008 NEPA analysis for Panels F and G. The proposed action would occur immediately adjacent to an existing mine pit. The additional 10.6 acres of disturbance would be negligible relative to the approved 592 acres for Panel F. There is no critical habitat for any species in the vicinity of the site and the proposed layback would not create any additional barriers to lynx movement. There are no other currently listed species (wolves were delisted in 2011, bald eagles were delisted in 2007, and wolverines are no longer proposed for listing). There is no sage grouse habitat within or adjacent to the 10.6 acres proposed for disturbance. (Reference: Personal communication with Devon Green, FS Wildlife Biologist, on January 12, 2015.)

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 mine and reclamation plan requires Simplot to take measures to prevent the introduction, continued existence, or spread of noxious weeds and non-native invasive species. Because the proposed action is a minor mine plan modification and subject to the same requirements, it is unlikely the proposed action would contribute to the introduction or spread of such species.

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 July 10, 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 and to use the area within the lease for other necessary facilities.

The proposed action is considered a standard operating practice under the applicable LUPs because it would occur on an existing Federal mineral lease according to the existing mine and reclamation plan approved in 2008. The proposed action is subject to the mitigation measures developed during NEPA review of the mine and reclamation plan and stipulated in the BLM decision documents.

It is typical for approved mine and reclamation plans to be adjusted in order to accommodate incorporation of new information that affects mining and reclamation. Pits, other surface disturbance boundaries, facilities, or operations may need to be modified to accommodate the latest mine conditions. The *Code of Federal Regulations* (CFR) allow for modifications to adjust for changes in conditions or correct for oversights (43 CFR 3590.2[a] and 43 CFR 3592.2 [d][1]). These situations are considered to be standard practice and are anticipated when BLM conducts NEPA analysis and approves and implements a decision to allow mining.

D. Compliance with NEPA:

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM 11.9, Section F—Solid Minerals, (8) "Approval of minor modifications to

or minor variances from activities described in an approved underground or surface mine 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 an additional 10.6 acre-disturbance for Panel F-2 as part of a minor mine plan modification to the approved mine and reclamation plan for Smoky Canyon Mine Panels F and G. 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 mine and reclamation 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



Authorized Officer
Karen Rice
Idaho Falls District Manager (Acting)

1/29/2015

Date

Contact Person

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