



# Thompson Creek Mine Expansion and Land Exchange Explanation of the NEPA Process



## What is NEPA?

The National Environmental Policy Act (NEPA) requires an environmental review of major Federal actions that have the potential to significantly affect the quality of the human environment. The purpose of the NEPA is to ensure that environmental considerations are incorporated into Federal decision-making. The two primary objectives of the NEPA are (1) agencies must have available and fully consider detailed information regarding environmental effects at the time a decision is made; and (2) agencies must make the same information available to interested and/or affected persons, agencies, and organizations before decisions are made and before actions are taken. In some instances, NEPA requires the preparation of an Environmental Impact Statement (EIS) to analyze the environmental effects of a proposed Federal action.

## Why Does NEPA apply to the Thompson Creek Mine Expansion and Land Exchange?

The Bureau of Land Management (BLM) and U.S. Forest Service (Forest Service) have determined that approval of the mine expansion or land exchange proposed by Thompson Creek Mining Company (TCMC) could have a significant impact on the environment, and that consequently an EIS is required.

## What is the NEPA Process for the Project?

- 1) During December 2008 and January 2009 TCMC submitted an amended plan of operations (APOO) for the proposed mine expansion to the BLM, Forest Service, U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), Idaho Department of Environmental Quality (IDEQ), and Idaho Department of Lands (IDL). A revised APOO was submitted in October 2009. In February 2009, TCMC proposed a land exchange offering the United States title to approximately 900 acres of private lands, which possess resources qualities considered to be of significant value to the public. In exchange, TCMC selected approximately 5,000 acres of BLM-administered land that TCMC wishes to acquire. The selected land contains the southern portion of the mine.
- 2) In response to TCMC's proposals, the EIS will evaluate five separate but related proposed Federal actions: 1) the BLM will decide whether to approve the portion of the APOO involving BLM-administered land under BLM regulations at 43 CFR 3809, 2) the Forest Service will decide whether to approve the portion of the APOO involving National Forest System land under Forest Service regulations at 36 CFR 228, Subpart A, 3) the USACE will decide whether to issue a permit under section 404 of the CWA and USACE regulations at 33 CFR 320 to discharge fill materials into waters of the United States in relation to the APOO, 4) the BLM will decide whether to amend the BLM 1999 Challis Resource Management Plan pursuant to section 202 of the Federal Land Policy Management Act (FLPMA) and BLM regulations at 43 CFR 1600, and identify the Federal involved in the proposed land exchange as suitable for disposal, and 5) the BLM will decide whether to approve a land disposal action pursuant to 43 CFR 2200 (land exchange) or 43 CFR 2700 (land sale).
- 3) Other non-NEPA actions related to the APOO include the issuance of stream channel alteration permit(s) by the Idaho Department of Water Resources pursuant to the Idaho Stream Channel Protection Act, issuance of a water quality certification decision by the IDEQ pursuant to section 401 of the Clean Water

Act, and IDL approval of the portion of the APOO for which the IDL has jurisdiction pursuant to the Idaho Surface Mining Act.

- 4) The BLM will be the lead agency for the preparation of the EIS and compliance with NEPA in cooperation with the Forest Service and other cooperating agencies including the USACE, EPA, IDEQ, and IDL. The BLM will direct the preparation of the EIS by a third-party contractor, JBR Environmental Consultants.
- 5) An internal (agency) scoping meeting occurred on November 24, 2009 in which meaningful issues and preliminary feasible alternatives were identified.
- 6) The public scoping process began on August 3, 2010 with publication of a Notice of Intent (NOI) in the Federal Register. The scoping notice was also provided to the media in Idaho by a BLM news release, publication in the legal notice sections of The Challis Messenger and The Idaho Statesman newspapers, posting on the BLM website, and mailing of the scoping notice to parties that have been previously interested in BLM, Forest Service, or USACE projects in Custer County, as well as additional parties that might be interested in the project, e.g., adjacent land owners or land managers.
- 7) The publication of the NOI began a 30-day public scoping period during which two public meetings will be held. The public meetings will be in an open house format with poster exhibits, knowledgeable personnel to answer questions about the project, and a forum for commenting on the project. One meeting will be at the BLM Boise District Office, 3948 Development Avenue, Boise, Idaho from 6:00 p.m. to 8:00 p.m. on August 23, 2010. The second meeting will be at the Challis Middle School, 700 Main Street, Challis, Idaho from 6:00 p.m. to 8:00 p.m. on August 24, 2010. The dates and times of these meetings will be announced once the 30-day public scoping period begins, and at least 15 days before the meetings are held.
- 8) Written comments, resource information, or concerns regarding the EIS may be submitted in person during one of the public meetings. Such information may also be mailed to Thompson Creek Mine EIS c/o Brian Buck, JBR Environmental Consultants, 8160 South Highland Drive, Sandy, Utah 84093. The information may also be delivered personally to the BLM Challis Field Office, sent by facsimile (please reference "Thompson Creek Mine EIS" on the cover page) to the attention of Brian Buck at (801) 942-1852, or sent electronically to [tcm\\_eis@jbrenv.com](mailto:tcm_eis@jbrenv.com).
- 9) The public may examine documents pertinent to the Proposed Action at the BLM Challis Field Office, 1151 Blue Mountain Road, Challis, Idaho during 7:45 a.m. to 4:30 p.m., Mountain Time, Monday through Friday, except holidays. Project information and NEPA documents will be available on the Web at <http://www.blm.gov/id/st/en/prog/0.html>. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (800) 877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.
- 10) Public input will be used to develop a range of alternatives and identify meaningful issues for environmental analysis. A scoping report will subsequently be prepared describing both the agency and public scoping input, major issues to be evaluated in the analysis, alternatives considered, and alternatives to be evaluated in the EIS. The report will be available per item 9, and will also be provided to all persons on the NEPA mailing list for the project. Persons who provide scoping input, as well as anyone who at any time provides notice of their interest in the project, will be included on the NEPA mailing list.
- 11) Existing information and studies will be conducted as required to characterize the existing conditions of the environment at the project site. A draft EIS (DEIS) will be prepared which describes the Proposed Action and alternatives, and the baseline (existing) environmental conditions. The DEIS will identify the

preferred alternative, if a preferred alternative exists. The DEIS will also evaluate the potential environmental impacts of the Proposed Action and alternatives to a wide range of environmental and social resources. In addition, mitigation to reduce impacts will be evaluated. The impacts analysis will also include an evaluation of cumulative impacts, i.e., the impacts on the environment that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable actions. The DEIS will also describe consultation and coordination efforts that have occurred as part of the project. The DEIS is expected to be available to the public during late 2011.

- 12) When the DEIS is completed, a Notice of Availability (NOA) will be published in the Federal Register announcing the beginning of a 90-day public comment period on the DEIS. The comment period will begin the day after the NOA is published in the Federal Register. Parties must submit comments during the comment period to be eligible to appeal decisions based on the final EIS (FEIS). A news release regarding the availability of the DEIS will also be provided to the Idaho media, and the NOA will be published in The Challis Messenger and The Idaho Statesman newspapers. Copies of the DEIS will be available per item 9, and will be provided to all persons on the NEPA mailing list. During the comment period, public meetings will be held on the DEIS in the same cities as were held the public meetings during scoping process.
- 13) Comments on the DEIS received from other agencies and the public during the comment period will be reviewed and addressed in the FEIS. The FEIS will identify the preferred alternative(s) of the agencies. The FEIS is expected to be available to the public during late 2012.
- 14) When the FEIS is completed, an NOA will be published in the Federal Register to begin a 30-day availability period for the FEIS. A news release regarding the availability of the FEIS will also be provided to the Idaho media, and the NOA will be published in The Challis Messenger and The Idaho Statesman newspapers. Copies of the FEIS will be available per item 9, and will be provided to all persons on the NEPA mailing list. Although the availability period is not a formal public comment period, the public may provide comments on the FEIS.
- 15) The BLM will consider public comments on the FEIS, and determine if any such comments would require the preparation of a supplemental EIS. The BLM, Forest Service, and USACE will consider all public comments received during the availability period and may address the comments on the FEIS in their respective Records of Decision (RODs). The BLM, Forest Service, and USACE will each complete a ROD based on the FEIS (or any supplemental EIS) and according to their respective jurisdictions. The RODs will document and discuss each agency's selected alternative, the environmentally preferable alternative (if different from the selected alternative), and any accompanying mitigation measures. The RODs are expected to be available to the public during late 2012.
- 16) A news release(s) announcing the availability of the RODs will be provided to the Idaho media, and legal notices of decisions documented in the RODs will be published in The Challis Messenger and The Idaho Statesman newspapers. Copies of the RODs will be available per item 9, and will be provided to all persons on the NEPA mailing list. The RODs will be issued in full force and effect, and thus cannot be issued until at least 30 days after publication of the NOA for the FEIS and at least 90 days after release of the DEIS. A party adversely affected by a decision in a ROD may appeal the decision according to the applicable regulations, which will be noted in each ROD, e.g., Forest Service regulations at 36 CFR 215.7 provide that individuals or organizations who submitted comments during the comment period (36 CFR 215.6) may appeal, and that the appeal period will begin the day after the legal notice is published in the newspaper of record (i.e., The Challis Messenger).

**How Can I Stay Involved?**

Attend a scoping meeting. Add your name to the project mailing list. Fill out a comment sheet and return it for consideration by the BLM.

**Whom Can I Contact if I Have Any Questions?**

Should you have any questions, please contact: Ken Gardner, Project Lead, BLM Challis Field Office, 1151 Blue Mountain Road, Challis, Idaho 83226. Mr. Gardner may also be contacted at (208) 879-6210.