CHAPTER 1

INTRODUCTION, PURPOSE AND NEED

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CHAPTER 1 INTRODUCTION, PURPOSE AND NEED

1.1 INTRODUCTION

This Environmental Impact Statement (EIS) is being prepared by the Bureau of Land Management (BLM), Pocatello Field Office, and the U.S. Forest Service (USFS), Caribou-Targhee National Forest (CTNF), in response to the proposed lease and mine plan modifications for the Smoky Canyon Mine, Panels F and G (the Project), submitted by the J.R. Simplot Company (Simplot) in January 2013 (Simplot 2013). Simplot proposes to: 1) enlarge lease IDI-01441 by 280 acres to accommodate the expansion of the previously approved east overburden disposal area (ODA); 2) modify the approved mine plan for Panel F to allow for construction and use of an ore conveyance system between Panel F and the existing mill; 3) increase the ODA on the southwest side of existing lease IDI-01441 by 20 acres for the temporary storage of chert to be used for reclamation; and 4) utilize a geo-synthetic clay laminate liner (GCLL) in Panel G instead of the currently approved geologic store and release cover. The general location of the Project is shown on **Figure 1.1-1**. The Project Area is generally defined as the geographic area that includes the proposed disturbance footprints of the Project. Existing and proposed operations in relation to the Project Area are shown on **Figure 1.1-2**.

1.1.1 Background

Smoky Canyon mining and milling operations were authorized in 1982 by records of decision (RODs) issued by the BLM for the mine and reclamation plan (M&RP) and USFS for related off-lease activities. These authorizations were supported by the Smoky Canyon Phosphate Mine Final Environmental Impact Statement (FEIS). The original M&RP included mining and reclamation activities for five adjacent pits referred to as Panels A, B, C, D and E. Mining operations began in Panel A in 1984. As mining progressed through each mine panel, mine and reclamation operations were reviewed and the environmental effects assessed under the National Environmental Policy Act (NEPA). Supplemental M&RPs detailing the development and reclamation of each panel were approved with subsequent decisions made by the BLM for on-lease operations and by the USFS for operations conducted off lease. Mining operations are complete in Panels A, C, D, and E and those areas are currently undergoing reclamation.

In 2003, anticipating the need to meet market demand for phosphate and mine additional identified reserves, Simplot submitted a proposed M&RP to BLM for mining in Panels F and G. Panel F is contiguous with the south end of the existing mine and Panel G is located approximately one mile southwest of Panel F (**Figure 1.1-1**).

The BLM and USFS published the Smoky Canyon Mine, Panels F and G Final Environmental Impact Statement (2007 FEIS; BLM and USFS 2007) and issued RODs in 2008 approving the M&RP for Panels F and G subject to special conditions. Mining activities associated with Panel F were initiated in 2008 and are ongoing. Mining activities associated with Panel G have been initiated through haul road construction.

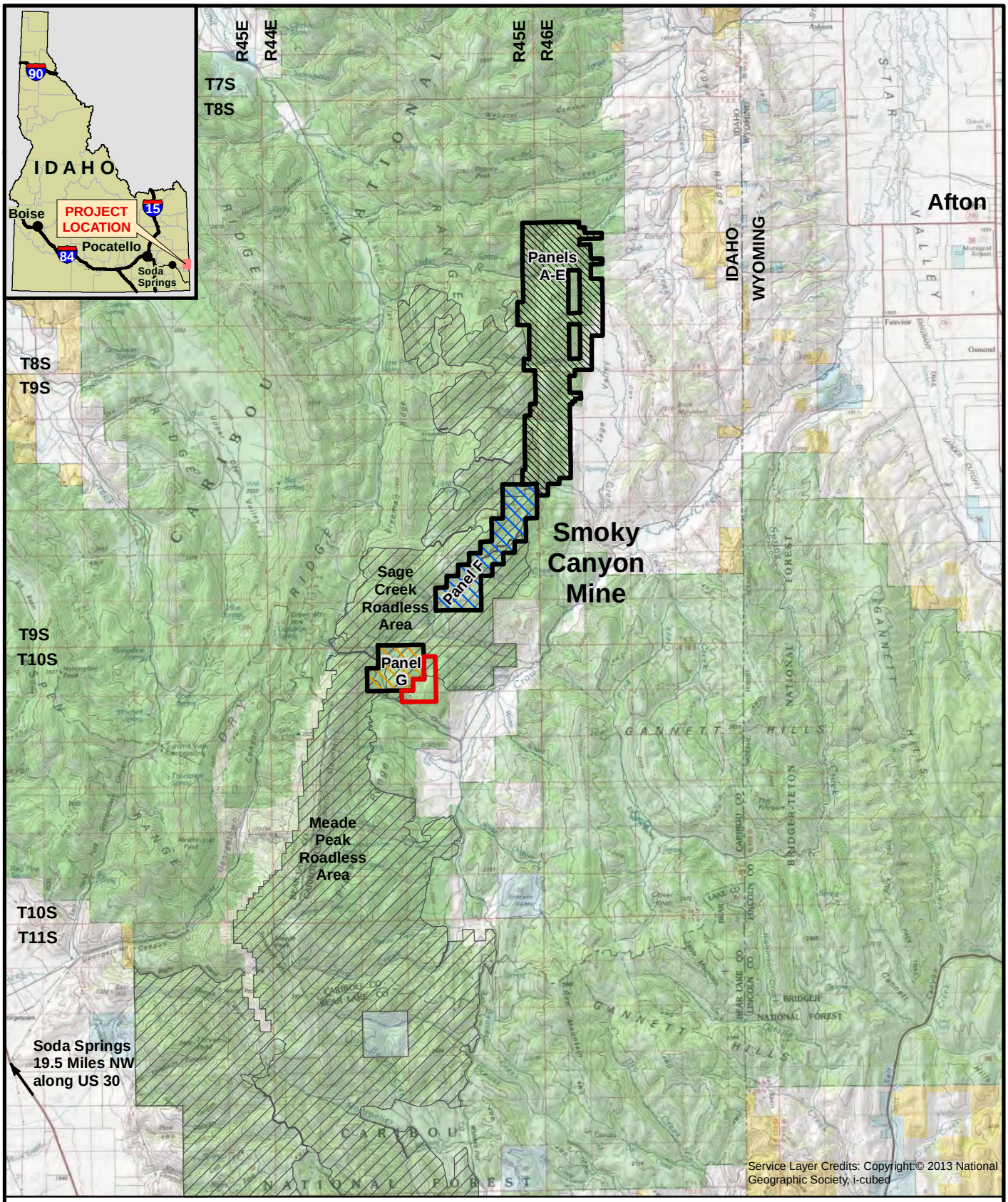
Simplot's original 2003 proposed M&RP included disposing of run-of-mine (ROM) overburden for Panel G in two ODAs located within the lease on the east and southwest side of Panel G. However, the environmental analysis indicated seleniferous overburden (i.e., a term used to describe overburden that contains 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 proposal in 2005 to place seleniferous overburden in an ODA on the east side of Panel G and store only non-seleniferous material in the South ODA.

The potential impacts of the East ODA expansion onto 18 acres of off-lease National Forest System (NFS) lands were analyzed in the 2007 FEIS. However, at the time the 2008 RODs were issued, neither the BLM nor the USFS had the legal authority to approve the expansion. BLM regulations at 43 Code of Federal Regulations (CFR) 3510 did not provide for the modification of a lease for the purpose of permanently disposing of overburden, and overburden storage did not meet USFS special use authorization (SUA) screening criteria at 36 CFR 251.54(e)(ix). The BLM ROD recognized that the maximum ore recovery approved for Panel G would result in an East ODA too large to fit within the existing lease area, and that Simplot would either have to submit a new ODA design for BLM and USFS consideration prior to construction of Panel G or pursue a lease modification if regulations were to change in the future.

The BLM regulations (43 CFR 3510) were revised in 2009 to allow the modification of a lease for purposes of permanent disposal of overburden materials if specific criteria are met and, as anticipated by the 2008 BLM ROD, Simplot has applied for the current lease modification to accommodate the East ODA expansion which would allow for the maximum amount of ore to be recovered from their phosphate lease.

The proposed modifications to the existing approved Panels F and G mining operation would occur within the Caribou National Forest (CNF) portion of the CTNF on federal phosphate leases administered by the BLM. Portions of the ore conveyor system at Panel F and stormwater control features for Panel G would extend off lease on NFS lands.

The BLM is the lead agency for this EIS, the USFS is a joint lead agency, and the Idaho Department of Environmental Quality (IDEQ) is a cooperating agency (the Agencies). The Agencies will use this EIS to determine whether or not the mine plan modifications will be approved, the Panel G lease modified, and components off-lease authorized.



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

3 0 3 Miles

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Figure 1.1-1
General Project Area
Panel F & G Lease/Mine Plan Modifications EIS

Document Path: X:\ID\Clients\JR_Simplot\PanenG_LeaseMod_ExpansionConveyorProject\MXDs\Figures\Chapter 1\Figure 1.1-1 General Project Area.mxd

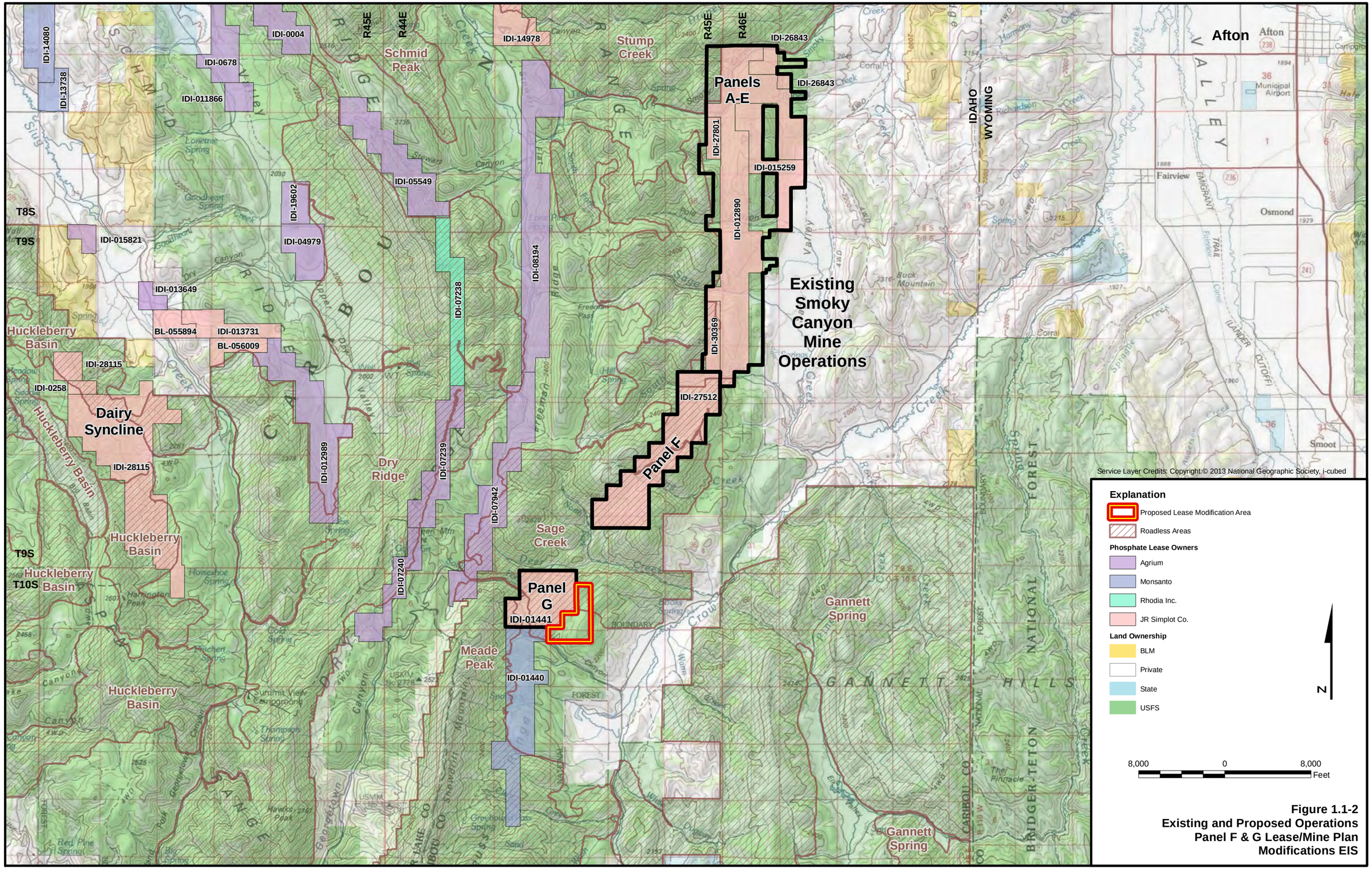

Figure 1.1-2
Existing and Proposed Operations
Panel F & G Lease/Mine Plan
Modifications EIS

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1.1.2 About This Document

This document follows regulations promulgated by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the NEPA (40 CFR 1500-1508), regulations promulgated by the Department of the Interior applicable to BLM for implementing the procedural provisions of the NEPA (43 CFR 46); regulations promulgated by USFS for implementing the procedural provisions of the NEPA (36 CFR 220); BLM's NEPA Handbook (H-1790-1), and the USFS Handbook of Environmental Policy and Procedures (FSH 1909.15). As directed by these regulations and handbooks, this EIS tiers to the 2007 FEIS (BLM and USFS 2007) and uses as much information as possible from that document as applicable to the proposed Project to be analyzed. A compact disc (CD) version of the 2007 FEIS has been included as part of this EIS for ease of reference.

Chapter 1 describes the purpose of and need for the Smoky Canyon Mine Panels F and G Lease and Mine Plan Modification Project, the roles of the BLM and USFS, public participation in the EIS process, and general Project history.

Chapter 2 provides applicable background information on the Smoky Canyon Mine, including Panels F and G; describes existing and proposed operations; presents and compares alternatives to the Proposed Action; and lists potential mitigation actions to reduce or minimize impacts.

Chapter 3 summarizes the affected environment that is associated with the Proposed Action and Alternatives.

Chapter 4 details the environmental consequences that are associated with the Proposed Action and Alternatives.

Chapter 5 describes the potential cumulative impacts associated with the Proposed Action and Alternatives.

Chapter 6 describes consultation and coordination with state and federal agencies and provides a list of the EIS preparers.

Chapter 7 contains the public comments received in response to the Draft EIS (DEIS) and the agencies' responses to substantive comments.

Chapter 8 lists references cited in developing the EIS and provides a list of acronyms and abbreviations, a glossary of terms, and an index.

1.2 PURPOSE AND NEED

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 (Simplot 2013). 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 ultimate maximum recovery (43 CFR 3594.1), and allowing the lessee to exercise its 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 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.

1.3 AUTHORIZING ACTIONS

1.3.1 Federal Decisions to be Made

The BLM and the USFS will make separate but coordinated decisions related to Simplot's proposed Panels F and G Lease and Mine Plan Modification Project. Decisions will be based on the EIS and applicable laws, regulations, and policies. The BLM will approve, approve with modifications, or deny the proposed lease and mine plan modifications. BLM's decision will consider any recommendations the USFS may have regarding surface management and mitigation of leased NFS lands. The USFS will make decisions regarding SUAs for off-lease disturbances/structures located within the CTNF and associated with the Proposed Action (e.g., stormwater control features and portions of the ore conveyor system).

1.3.2 Permits, Approvals, and Consultations

The existing and proposed mining operations must comply with laws and regulations for mining on public land. In addition to the BLM and USFS, other federal, state and local agencies have jurisdiction over certain aspects of the proposed Project and any potential action alternatives. **Table 1.3-1** lists the agencies and identifies their respective authorization or oversight responsibilities. Since mining activities for Panels F and G are already approved, some of the permits and approvals listed in the table have already been obtained or are existing and would need to be modified and/or amended as applicable to the proposed Project.

Table 1.3-1 Agency Involvement and Potential Affirmative Actions Required for the Smoky Canyon Mine, Panels F and G Lease and Mine Modification Project

ACTION	NATURE OF ACTION	APPLICABLE PROJECT COMPONENT	ANTICIPATED RESOLUTION
BLM			
M&RP Modification	Authority under the Mineral Leasing Act and compliance with 43 CFR 3590.2a, 3592.1a and applicable federal land use plans	Activities affecting federally leased mineral resources	The BLM will issue a ROD to approve or deny the M&RP modification
Lease Modification	Authorize expansion of existing lease boundaries in compliance with 43 CFR 3510	Expansion of existing federal phosphate lease IDI-01441	The BLM will issue a ROD to approve or deny the lease modification
Government to government consultation with the Shoshone-Bannock Tribes	Consultation with the Fort Hall Business Council of the Shoshone-Bannock Tribes is required on land management activities and land allocations that could affect treaty rights	All Project components	Consultation with the Fort Hall Business Council of the Shoshone-Bannock Tribes as required by law will continue throughout the EIS process
USFS			
Special use authorization	Required for surface disturbance on NFS lands off-lease	Off-lease portions of the Panel F ore conveyor system and Panel G stormwater features	The USFS will issue a ROD to approve or deny for SUAs of off-lease activities
Recommendation to BLM	Under the Mineral Leasing Act, the USFS makes recommendations to the BLM regarding mineral leasing and development activities on federal mineral leases with respect to compliance with the forest land use plan and other forest management concerns (these recommendations do not constitute or imply a permit or USFS decision)	Lease and M&RP modification approval	USFS recommendations issued to BLM after availability period for final EIS
Consultation with the Idaho State Historic Preservation Office (SHPO) for Section 106 Compliance	Protects cultural and historical resources under the National Historic Preservation Act	All ground disturbing activities, both on and off lease	SHPO concurrence required prior to issuance of USFS and BLM RODs
Government to government consultation with the Shoshone-Bannock Tribes	Consultation with the Fort Hall Business Council of the Shoshone-Bannock Tribes is required on land management activities and land allocations that could affect treaty rights	All Project components	Consultation with the Fort Hall Business Council of the Shoshone-Bannock Tribes as required by law will continue throughout the EIS process

ACTION	NATURE OF ACTION	APPLICABLE PROJECT COMPONENT	ANTICIPATED RESOLUTION
Consultation with the U.S. Fish and Wildlife Service (USFWS) for Endangered Species Act (ESA) compliance	As per Section 7 of the ESA, a biological assessment is submitted to the USFWS and consultation is conducted	Any on or off lease activity, such as displacement or habitat disturbance, potentially affecting listed or proposed threatened or endangered species	USFWS concurrence with determination of impacts required prior to issuance of USFS and BLM RODs
Evaluation of compliance with the Migratory Bird Treaty Act	Protects migratory birds	All surface disturbing activities, both on and off lease	USFS will evaluate and ensure compliance via required mitigation measures incorporated in the USFS and BLM RODs
Evaluation of compliance with the Bald and Golden Eagle Protection Act	Protects bald and golden eagles	All surface disturbing activities, both on and off lease	USFS will evaluate and ensure compliance via required mitigation measures incorporated in the USFS and BLM RODs
U.S. Environmental Protection Agency (EPA)			
National Pollution Discharge Elimination System (NPDES) Multi-Sector General Permit	Protects quality of surface waters from stormwater discharge under the Clean Water Act	Stormwater Pollution Prevention Plan (SWPPP)	Simplot will revise their SWPPP under the existing NPDES permit to include applicable features after the USFS and BLM RODs are issued; no new or amended permit anticipated
IDEQ			
Air quality permit	Release of air pollutants in compliance with the existing Smoky Canyon Mine permit	Elements that contribute to air quality issues, such as blasting, hauling, or crushing	Required air approvals for existing property already in hand; IDEQ determined in April 2013 that the proposed conveyor system meets permit to construct exemption requirements
401 Certification	Water quality certification required for NPDES	SWPPP	Existing waiver will be amended or certification issued by IDEQ after the USFS and BLM RODs are issued
Idaho Department of Water Resources (IDWR)			
Stream channel alteration permit(s) for road crossings	Protection of perennial stream channels	Potential stream crossings related to Panel G stormwater features	Simplot will apply to IDWR for permit(s) after the USFS and BLM RODs are issued

ACTION	NATURE OF ACTION	APPLICABLE PROJECT COMPONENT	ANTICIPATED RESOLUTION
Idaho Department of Lands (IDL)			
Coordination with the BLM and USFS for the M&RP modification	IDL permit required for all surface mining activities in Idaho	M&RP modification approval	The IDL will approve or deny permit in coordination with the BLM and USFS RODs

The U.S. Army Corps of Engineers (Corps) exerts regulatory jurisdiction over waters of the U.S. (WOUS), including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 404 of the Clean Water Act requires a Corps permit be obtained prior to discharging dredged or fill material into WOUS, which includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, irrigation and drainage canals and ditches that are tributaries to other waters, and wetlands. Simplot currently maintains Corps permits for activities previously approved at Panels F and G. Since no impacts to waters of U.S., including wetlands are planned from this Project, no amendment or revision to the existing permit for Panel G is anticipated.

The enforcement of federal laws that protect migratory birds and endangered species lies with the USFWS. Compliance with those laws is the obligation of the land management agencies (BLM and USFS) and the proponent (Simplot). The USFWS will review a BA for listed plant and animal species prepared by the USFS for both the on and off lease portions of the agency-preferred alternative. The USFWS will conduct consultations with the land management agencies as they deem necessary and provide direction as required for protection of species within their regulatory authority.

Simplot's existing and current EPA NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity would be maintained and updated as needed.

1.4 RELATIONSHIP TO AGENCY AND OTHER POLICIES AND PLANS

1.4.1 Federal Land Management Plans

The Project has been specifically reviewed and determined to be in compliance with agency policies, plans, and programs. The BLM Record of Decision and Approved Pocatello Resource Management Plan (RMP; BLM 2012) states leasable minerals on the CNF will be managed consistent with that Forest Plan. The USFS CNF Revised Forest Plan (RFP), which guides land use developments and activities in the Project Area, which recognizes phosphate mining as an appropriate use of NFS lands in this portion of the CNF. The approach for active phosphate leases in the RFP (USFS 2003a) is to incorporate best management practices (BMPs) into the conditions of approval for site-specific M&RPs, and to allow for developments in research and technology over time to be incorporated into the prescribed practices and monitoring systems. A more detailed description of the RFP management prescriptions in this area is included in Section 1.3.1 of the 2007 FEIS (BLM and USFS 2007).

1.4.2 Inventoried Roadless Areas Management on the CTNF

The Sage Creek and Meade Peak Inventoried Roadless Areas (IRAs) 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 themes for individual roadless areas: Wild Land Recreation; Primitive; Special Areas of Historic and Tribal Significance; Backcountry/Restoration; and General Forest, Rangeland, and Grassland. In August 2008, the Roadless Area Conservation, National Forest Lands in Idaho Final Environmental Impact Statement (USFS 2008) was issued, and 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 is currently the law of the land in Idaho.

The USFS presented the Project to the Idaho Roadless Commission on March 13, 2013 and no issues were identified. The Project would be in compliance with the Idaho Roadless Rule.

1.5 PUBLIC SCOPING

The proposed Smoky Canyon Mine Panels F and G Lease and Mine Modification Plan was submitted to the BLM and CTNF on January 31, 2013. The Notice of Intent (NOI) to prepare an EIS for the Project was published in the Federal Register on June 24, 2013. A copy of this NOI is included in the Public Scoping Summary Report, Smoky Canyon Mine Panels F and G Lease and Mine Modification Project Environmental Impact Statement (Scoping Report; JBR 2013a). Legal notices announcing the Agencies' request for public scoping comments for the Project were published in newspapers in Afton, Wyoming (June 26, 2013) and Pocatello, Idaho (June 27, 2013). A news release was submitted to 28 television stations, radio stations, and newspapers on June 24, 2013 and Project information was posted on BLM and USFS planning websites.

A public mailing list was compiled and 81 scoping letters sent to federal, state, and local government agencies, and members of the interested public. Three public meetings were held: one at the Civic Center in Afton, Wyoming, on July 10, 2013; one at the BLM Pocatello Field Office in Pocatello, Idaho, on July 11, 2013; and one at the Shoshone-Bannock Hotel Event Center in Fort Hall, Idaho, on July 12, 2013. The open house style meetings provided a description of the Project, maps and photo displays of the Project Area, and a forum for exchange of information and ideas or concerns related to the Project. Comment forms were available at the meetings and agency, proponent, and consultant representatives were present to answer questions as needed.

Public comments regarding the Project were solicited and compiled in the Scoping Report (JBR 2013a) to help determine the issues and alternatives for evaluation in the environmental analysis. By the close of the scoping period on July 26, 2013, six comment letters, one comment form, and one telephone call had been received for the Project. One internal comment regarding the proposed stormwater management plan was also included as part of the Scoping Report. Comments were submitted by agencies, entities, and interested citizens. A complete list and copies of all written comment letters, forms, and e-mails can be found in the Scoping Report (JBR 2013a).

Preliminary 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.

1.6 TRIBAL TREATY RIGHTS AND NATIVE AMERICAN CONSULTATION

The Shoshone-Bannock Tribes have ancestral Treaty Rights to uses of the CTNF. The relationship of the U.S. government with Native American tribes is based on legal agreements between sovereign nations. The Fort Bridger Treaty of July 3, 1868, granted hunting, fishing, and gathering rights to tribal members on "all unoccupied lands of the United States so long as game is present thereon." This right applies to all public domain lands reserved for National Forest purposes that are presently administered by the CTNF. On ceded lands, the Tribes have also retained the right to graze domestic livestock. These rights are still in effect, and management actions recognize these rights. USFS managers have a responsibility to ensure consideration of those resources essential for the Tribes to exercise their treaty rights. Treaty rights are governed by the law of the United States as set forth by the U.S. Supreme Court. Consultation with the Fort Hall Business Council of the Shoshone-Bannock Tribes is required on land management activities and land allocations that could affect these rights. A more complete description of the Native American consultation process is provided in Sections 1.5, 3.14, and 4.14 of the 2007 FEIS.

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 certified letter was sent to the Tribe Business Council Chairman on June 24, 2013 to describe the proposed Project and provide notice of the public meetings, one of which was held at the Shoshone-Bannock Hotel Event Center on July 12, 2013. Formal government to government consultation was conducted on January 23, 2014. Consultation with the Tribes as required by law will continue throughout the EIS process.

1.7 ISSUES

The issues to be evaluated in this EIS are derived from the Scoping Report (JBR 2013a). That document summarized the comments received during scoping from agencies and the public into categories, which became the basis for defining issues.

Pursuant to CEQ NEPA regulations (40 CFR 1501.8), it is through the scoping process that the lead agency (a) determines the scope and significant issues to be analyzed in depth in the EIS and (b) identifies and eliminates from detailed study the issues that are not significant, narrowing the discussion of such issues to a brief presentation in the EIS as to why they will not have a significant effect on the human environment. In brief, the scoping comments must be reviewed to determine the significant issues in the context of NEPA and for preparing an EIS.

During the EIS scoping period, a total of eight comments were received. Contained within those eight comments, 89 issues were identified and categorized into the 21 main issue categories shown in **Table 1.7-1**. In addition to the comments received from the external scoping process, internal scoping identified either similar issues listed in **Table 1.7-1** or additional issues covered in this EIS.

Table 1.7-1 Number of Scoping Comments Received by Issue

ISSUE CATEGORY	NUMBER OF ISSUES RECEIVED BY CATEGORY
Purpose and Need	1
Project History	1
Proposed Action	15
Alternatives to the Proposed Action	3
Monitoring and Mitigation	3
Reclamation and Financial Assurance	3
General Comments	4
Air Resources and Climate Change	3
Noise	4
Water Resources including Watersheds	18
Selenium	12
Vegetation	1
Wetlands and Riparian Areas	6
Threatened and Endangered Species	1
Roadless Areas	3
Native American Concerns	1
Social and Economic Resources	4
Transportation	2
Visual Resources	1
Cumulative Effects	2
Irreversible and Irretrievable Commitment of Resources	1
TOTAL	89

Issues raised and identified during scoping are summarized in **Table 1.7-2**. The table also identifies in which section of the EIS the issue is addressed. A complete summary of issues identified during scoping, including those issues that may not be specifically addressed in this EIS, is provided in the Project Scoping Report (JBR 2013a).

Table 1.7-2 Summary of Issues from Scoping

ISSUES	WHERE ADDRESSED IN EIS*
General:	
• The Agencies must thoroughly evaluate the potential impacts to water quality and quantity, fish and wildlife and their habitats, and inventoried roadless areas.	Chapter 4
• The analysis should evaluate the impact that the increased footprint would have on water quality, native vegetation and wildlife habitat and about the permanent storage of seleniferous material in these areas.	Chapter 4
• The analysis should identify existing disturbance from mine activities.	Chapter 5
Purpose and Need:	
• The purpose and need statement should specify that water quality and quantity, wildlife (including Yellowstone cutthroat trout) and their habitats, and roadless area values are protected or enhanced.	*
Project History:	
• The Agencies should reconsider their 2008 RODs and require cleanup action by Simplot before any mining takes place at Panel G.	*
Proposed Action:	
• The EIS description of the Proposed Action should clearly explain the lease enlargement acreage and benefits of the GCLL compared to the previously approved cover.	Chapter 2
• The Proposed Action should include placement of GCLL technology in the Pole Creek Diversion and Panels A, D, and E, which continue to fail compliance with the original EIS.	*
• If access is still needed for ore trucks on the haul road in conjunction with the conveyor system, the Agencies should consider a one-lane road with turnouts and improved communications to transport trucks as needed.	Chapter 2
• The analysis should consider the long-term effectiveness, design life, and operations and maintenance obligations associated with use of the GCLL cover systems.	Chapter 2 and Chapter 4
• Given the long amount of time the GCLL layers would be required to function according to specifications, the GCLL should be overlapped with a sufficient safety margin to account for potential separations due to solifluction, ground creep, and other types of mass movement.	Chapter 2
• Natural plant colonization should be a long-term component of the GCLL and other surface coverings. Vegetation such as Douglas fir and aspen may have the ability to penetrate the GCLL with their root systems, and those species may eventually colonize some sites covered by the GCLL. The GCLL should be designed to withstand tree colonization, root penetration, and tree toppling in the form of root tip ups.	Chapter 2
• Additional drainage/protective material and armoring may be necessary in zones of net soil loss where erosive forces may prevail.	Chapter 2 and Chapter 4
• The depth to the GCLL should be correlated to the maximum tree height potential for each site, based on slope, aspect, and soil type.	Chapter 2
• The impermeable layer must have a functional lifespan as long as or longer than the Contaminants of Potential Concern need to be isolated.	Chapter 4
• The Agencies should still assume that selenium contamination will occur even with the infiltration barrier and require ground and surface water treatment facilities at the bases of the disposal sites or enhanced anoxic attenuation in pit backfills.	Chapter 2

ISSUES	WHERE ADDRESSED IN EIS*
• Individual pond catchment run-off volumes need to be calculated to ensure ponds are sized appropriately. Future design details need to address ditch sizing, dimensions, and armoring. Also, when a series of ponds are used to handle calculate runoff the outflow design details will need to be included for review.	Chapter 2 and Chapter 4
Alternatives to the Proposed Action, Mitigation/Monitoring, and Reclamation/Financial Assurance:	
• Reasonable alternatives might include a more limited use of GCLL, no additional use of roadless areas or a land exchange to ensure no net loss of roadless areas, the expansion of the conveyor system to Panel G, a more limited area of mining of Panel G in order to keep the mine disturbance footprint limited to what was approved by the 2008 RODs, and/or no mining of Panel G until Simplot takes the necessary remedial actions to clean up selenium contamination resulting from its past mining operations at Smoky Canyon Mine.	Chapter 2
• Alternatives need to be considered if there will be impacts to WOUS, including wetlands.	Chapter 2 and Chapter 4
• The Agencies should require a monitoring plan to assess the effectiveness of the GCLL and other components throughout time – in perpetuity.	Chapter 2 and Chapter 4
• If the GCLL is functioning appropriately, groundwater quantity will be decreased in that area. The Agencies should mitigate for this decrease by either rechannelizing water back into this drainage if possible or through new restoration activities to increase hydrologic functioning in the area.	Chapter 2 and Chapter 4
• The amount and viability of financial assurance are key factors in a discussion of whether mitigation will be implemented. The amount and viability of financial assurance are critical factors in determining the effectiveness of reclamation and closure activities and, therefore, the significance of the environmental impacts.	Chapter 2
• We recommend that the NEPA analysis disclose the estimated cost to reclaim and close the site in a manner that achieves reclamation goals and post-mining land use objectives. The proposed financial assurance mechanisms should be identified. The analysis should disclose costs associated with implementing the reclamation plan, as well as costs associated with implementing contingency measures to deal with reasonably foreseeable but not specifically predicted outcomes.	Chapter 2
Air Resources and Climate Change:	
• The EIS should examine current climate change models and assess how predicted changes will affect the environmental effects of each alternative.	Chapter 4
• The analysis should consider the potential effect of the proposed Project on climate change and the effect of climate change on the proposed Project.	Chapter 4
• The EIS should analyze how the Project would impact overall diesel emissions from the haul road.	Chapter 4
Noise:	
• The EIS should disclose noise levels associated with the proposals, how noise levels would be monitored, and what input neighbors would have in determining acceptable noise levels.	Chapter 4

ISSUES	WHERE ADDRESSED IN EIS*
Water Resources including Wetlands:	
• Water routing, timing, evaporation, pond infiltration and stream hydrographic configuration (peak, volume, etc.) would be affected by the proposed GCLL, ditches, and catchment ponds. The EIS should portray watershed scale impacts, specifically showing the percentage of Wells Canyon and Deer Creek being altered by the GCLL, ditches, and ponds.	Chapter 4
• Failure to accurately design and implement effective runoff containment as a result of the utilization of a GCLL could create tremendous water quality issues throughout the entire Crow Creek watershed. The EIS should analyze the potential for increased runoff from the site, which may increase substantially due to the changed liner, which could reduce seepage over a large area and therefore generate more runoff. The analysis should demonstrate that the runoff design is robust enough to handle the peak runoff water loads.	Chapter 4
• The EIS should analyze the effects of the different seepage amounts flowing to Deer Creek, Books Spring, and the springs in Wells Canyon that will result from the proposed mine modifications as opposed to what was analyzed in the 2007 EIS. The analysis should include reliable modeling that discloses the seepage location and how that may affect Deer Creek and the locally important Books Spring.	Chapter 4
• Seepage and load could change because the area of seleniferous overburden stockpile will increase.	Chapter 4
• The use of a GCLL could cause recharge from runoff downhill of the dump to create a groundwater mound that then seeps back into the waste, causing a contamination problem that then manifests itself as the groundwater discharges into area surface waters.	Chapter 4
• Flows to Deer Creek and Crow Creek are likely to decrease based on covering such a large area with a GCLL.	Chapter 4
• The Agencies should consider increasing the depth of the growth media and expanding the type of vegetation on the GCLL to help address concerns about increased peak flows due to the GCLL. The Agencies should not rely on vegetation alone because a drought or wildfire could dramatically affect the vegetation's transpiration rate. Additional wetlands or aspen colonies could be established in drainage areas next to the GCLL.	Chapter 4
• The EIS should analyze the quality of groundwater and surface water in the Project Area resulting from current and proposed activities, and disclose surface water quality on site including any impaired/303(d) listed water bodies.	Chapter 4
• There is also potentially significant new information resulting from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) investigation regarding water resources at the site that should be considered in the EIS when disclosing current conditions, direct/indirect impacts, and cumulative effects.	Chapters 2, 3, 4, and 5 Chapter 1 and Chapter 4
• In the event that existing and/or proposed mine activities result in a direct discharge to WOUS, a Clean Water Act National Pollutant Discharge Elimination System permit would be required.	
• Because contamination generated from the Smoky Canyon Mine has impacted groundwater and surface water, the EIS should discuss the connection of groundwater to surface water, and state whether or not a direct hydrologic connection exists that results in a discharge of mine	Chapter 2 and Chapter 4

ISSUES	WHERE ADDRESSED IN EIS*
wastewater to surface water. • The water balance should be tied to characterization of the hydrogeologic setting through a site-wide water balance and state whether and how the plans will be revised for the mine expansion. • The adequacy, reliability, and operational uncertainty associated with proposed water management techniques over the range of operating and climatic conditions should be considered in the analysis. • The analysis should show changes in drainage contribution due to changes in Pit and ODA topographic configuration for Wells Canyon and Deer Creek, and disclose whether the topographic configuration changes are causing more or less precipitation to be contributed to Wells Canyon or Deer Creek.	Chapter 4 Chapter 4 Chapter 4
Selenium: • Simplot should be required to comply with the previous remediation agreements and complete the remediation to the agreed-upon selenium release standards. • The analysis should determine if the mining of Panels F and G would result in similar violations of federal and state selenium concentrations in the Clear Creek, Deer Creek, and Manning Creek watersheds and then ultimately into Crow Creek. • The analysis should specify what selenium discharge standards for the Deer Creek, Manning Creek, or Clear Creek watershed that Simplot would be held to. • The EIS should specify the experience the BLM, FS, and EPA have with the GCLL technique as it pertains specifically to selenium discharges at similar mining sites. • The diversion of Pole Canyon Creek around the cross-valley fill placed in Pole Canyon did not result in significant abatement of selenium in the Sage Creek drainage. • The EIS should specify what additional steps would be taken by the Agencies to protect water quality.	Chapter 4 Chapter 2 and Chapter 4 Chapter 4 * Chapter 2 and Chapter 5 Chapter 4
Vegetation: • Vegetation modeling should be informed by climate models.	*
Wetlands and Riparian Areas: • The Corps have preliminarily determined that as currently proposed Simplot's Project my involve work requiring a Department of Army authorization. The Project has the potential to be permitted as a modification of Simplot's U.S. Army Corps of Engineers permit(s) for development of Panel G and/or Panel F at the Smoky Canyon Mine. • The Project may impact "Wells Canyon", "Nate Canyon", and several unnamed streams, including wetlands, as well as upland areas, not previously addressed. • The Project proponent will need to provide a jurisdictional delineation of the modified Project Area for areas not previously surveyed. • The EIS should discuss how Clean Water Act Section 404 requirements for wetlands would be met, if there are activities that could have potential impacts to adjacent wetlands or indirect impacts to wetlands such as hydrologic changes due to increases in impervious surface will be evaluated. • The analysis should consider opportunities to restore stream/riparian function.	Chapter 1 and Chapter 4 Chapter 4 Chapter 4 Chapter 1 and Chapter 4 Chapter 2 and Chapter 4

ISSUES	WHERE ADDRESSED IN EIS*
TES Species: • Deer Creek and Crow Creek are important strongholds for the Yellowstone cutthroat trout.	Chapter 3
Roadless Areas: • The Idaho Roadless Rule FEIS requires full analysis of the effects of this current proposal on the Sage Creek and Mead Peak IRAs in the EIS. The EIS should evaluate the loss of another 70 acres of roadless areas to the damage caused by open pit phosphate mining. • The Sage Creek and Meade Peak Inventoried Roadless Areas provide important habitat for a wide range of wildlife species, including but not limited to elk, moose, deer, cavity-nesting birds, passerine species, and amphibians.	Chapter 4 Chapter 3
Native American Concerns: • The analysis should consider whether or not the proposed Project would affect tribal natural and/or cultural resources and address any concerns of the tribes in accordance with federal tribal trust responsibilities.	Chapter 4
Social and Economic Resources: • The mine is a major employer in the area and the surrounding communities have a vested interest in assuring the mine maintains a profitable position at this location.	Chapter 3
Transportation and Traffic: • The analysis should determine if there would be an increase in mine traffic going to Panel G on the Crow Creek Road and if Wells Canyon Road would be open to traffic going to Georgetown.	Chapter 2 and Chapter 4
Visual Resources: • The EIS should determine if the mine could be viewed from an off-site location.	Chapter 4
Cumulative Effects: • The cumulative effects analysis should include the ongoing selenium contamination of groundwater and the Sage Creek watershed, as well as Tygee Creek and its tributaries, resulting from previous mining at the Smoky Canyon Mine. In addition, the analysis should include the effects of the tailings impoundments, Panels A, D, and E, and the Pole Canyon cross-valley fill.	Chapter 2 and Chapter 5
Irreversible and Irretrievable Commitment of Resources: • The Project represents an irretrievable and irreversible commitment of resources. These permanent changes include landscape features such as pit walls and waste rock piles, altered drainage boundaries and flows, and potentially increased selenium levels requiring water treatment in perpetuity.	Chapter 4

***Please Note:** Some issues received during public scoping and listed in the table were determined to be out-of-scope for this analysis; therefore, they did not result in any changes in the EIS because the issue is not relevant or not appropriate to the NEPA analysis for this specific Project.

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