Smoky Canyon Mine
Panels F & G Draft EIS

TABLE OF CONTENTS

1.0 INTRODUCTION/PURPOSE & NEED 1-1
- 1.0 Introduction 1-1
- 1.1 Purpose And Need 1-2
- 1.2 Authorizing Actions 1-5
- 1.3 Relationship to Agency and Other Policies and Plans 1-7
  - 1.3.1 Federal Land Management Plans 1-7
  - 1.3.2 Inventoried Roadless Areas 1-9
- 1.4 Public Scoping 1-10
- 1.5 Tribal Treaty Rights and Native American Consultation 1-12
- 1.6 Issues and Indicators 1-13
  - 1.6.1 Geology, Minerals, and Topography 1-13
  - 1.6.2 Air and Noise 1-13
  - 1.6.3 Water Resources 1-14
  - 1.6.4 Soils 1-14
  - 1.6.5 Vegetation 1-14
  - 1.6.6 Wetlands 1-15
  - 1.6.7 Wildlife Resources 1-15
  - 1.6.8 Fisheries and Aquatics 1-16
  - 1.6.9 Grazing Management 1-16
  - 1.6.10 Recreation and Land Use 1-16
  - 1.6.11 Inventoried Roadless Areas/Recommended Wilderness 1-17
  - 1.6.12 Visual and Aesthetic Resources 1-17
  - 1.6.13 Cultural Resources 1-17
  - 1.6.14 Treaty Rights Resources 1-18
  - 1.6.15 Transportation 1-18
  - 1.6.16 Social and Economic Resources 1-19
  - 1.6.17 Environmental Justice 1-19

LIST OF TABLES

Table 1.2-1 Major Permits, Approvals, and Consultations Potentially Required for the Smoky Canyon Mine, Panels F & G 1-6

LIST OF FIGURES

Figure 1.0-1 Location Map 1-3
Figure 1.0-2 Existing and Proposed Operations 1-4
Figure 1.0-3 Phosphate Mine Leases, Known Phosphate Lease Areas, Inventoried Roadless Areas (1996) 1-11

Chapter 1
Introduction/Purpose & Need

1.0 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 mine and reclamation plan submitted by the J.R. Simplot Company (Simplot) in April 2003. The Proposed Action is the mining of Panels F (Manning Creek lease) and G (Deer Creek lease) south of the existing Simplot Smoky Canyon Phosphate Mine, Caribou County, Idaho (the Project). The general location of the Project and the Study Area boundary are shown on **Figure 1.0-1.** The Study Area refers to the general area within which baseline data was collected. It encompasses the Project Area, defined as the geographic area that includes the proposed disturbance footprints of the Proposed Action and all action alternatives. Existing and proposed operation areas in relation to the Study Area are shown on **Figure 1.0-2**.

The existing Smoky Canyon mining and milling operations were authorized by a Record of Decision (ROD) issued in 1982 with the Smoky Canyon Phosphate Mine Final EIS. Mining operations began in Panel A in 1984, followed by the mining of Panel D. Mining is completed in both of these Panels. The mining of Panel E commenced in 1998. Mining at Panels B and C was authorized by a ROD as a result of a supplemental EIS in 2002.

The proposed Panels F and G mining operation would be located within the Caribou National Forest (CNF) portion of the CTNF, on federal phosphate leases administered by the BLM. Portions of the facilities and associated mining related disturbances (i.e., transportation/haul routes) would extend off lease on National Forest System (NFS) Lands and could also potentially occur on private, state, and/or BLM administered lands. Mining would take place on Federal phosphate leases I-01441 and I-27512, including a two-part lease modification to I-27512. 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 Project will be approved, which appropriate alternative and mitigation measures will be applied to the Project, and evaluate methods to reduce or eliminate release of potential contaminants from the proposed mining activities. The Agencies will review the Panels F and G Mine and Reclamation Plan to determine the adequacy of environmental protection measures and compliance with applicable rules, guidance, and agency requirements.

About This Document

This document follows regulations promulgated by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA) (40 CFR 1500-1508), BLM's NEPA Handbook (H-1790-1), and the USFS Handbook of Environmental Policy and Procedures (FSH 1909.15). This EIS describes the components of and reasonable alternatives to the Proposed Action and environmental consequences of this action and the alternatives.

Chapter 1 describes the purpose of and need for the implementation of mining in Panels F & G of the Smoky Canyon Mine; roles of the BLM and USFS; public participation in the EIS process; and general Project history.

Chapter 2 provides a historical perspective of phosphate mining in the Project Area; describes existing and proposed operations; presents and compares alternatives to the Proposed Action; lists potential mitigation actions to reduce or minimize impacts, and discusses the agency-preferred alternative (in the Final EIS).

Chapter 3 describes the affected environment in the Project Area.

Chapter 4 details the potential direct and indirect impacts associated with the Proposed Action and Alternatives.

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

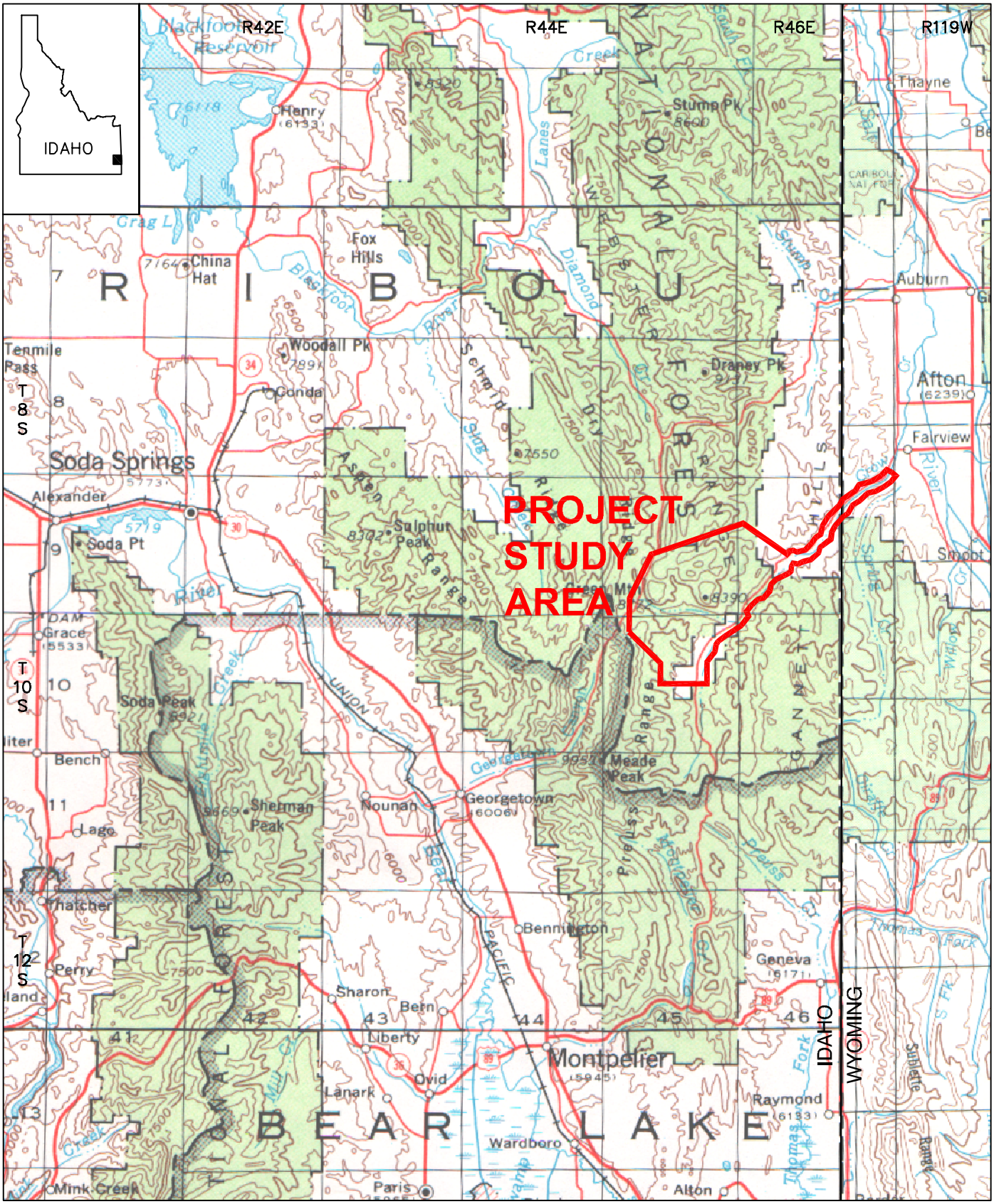
Chapter 6 describes consultation and coordination with state and federal agencies and provides a list of the EIS preparers.

Chapter 7 lists references cited in developing the EIS, as well as providing the index, acronyms, units of measure, and glossary of terms.

Chapter 8 (in the Final EIS) provides all the text of public and agency comment letters received on the Draft EIS (DEIS), and responses to those comments.

1.1 Purpose And Need

The purpose and need for the BLM and the USFS is to evaluate and respond to a mine and reclamation plan (the Proposed Action) from Simplot (2003a) that proposes the recovery of phosphate ore reserves contained within Panels F and G. The Proposed Action is needed to continue economically viable development of the phosphate resources within the federal mineral leases and to supply phosphate ore to Simplot's fertilizer plant. The plant produces phosphate-based fertilizer to help meet demands in the United States. **Figure 1.0-2** shows existing and proposed operation areas in relation to all lease owners in the area.



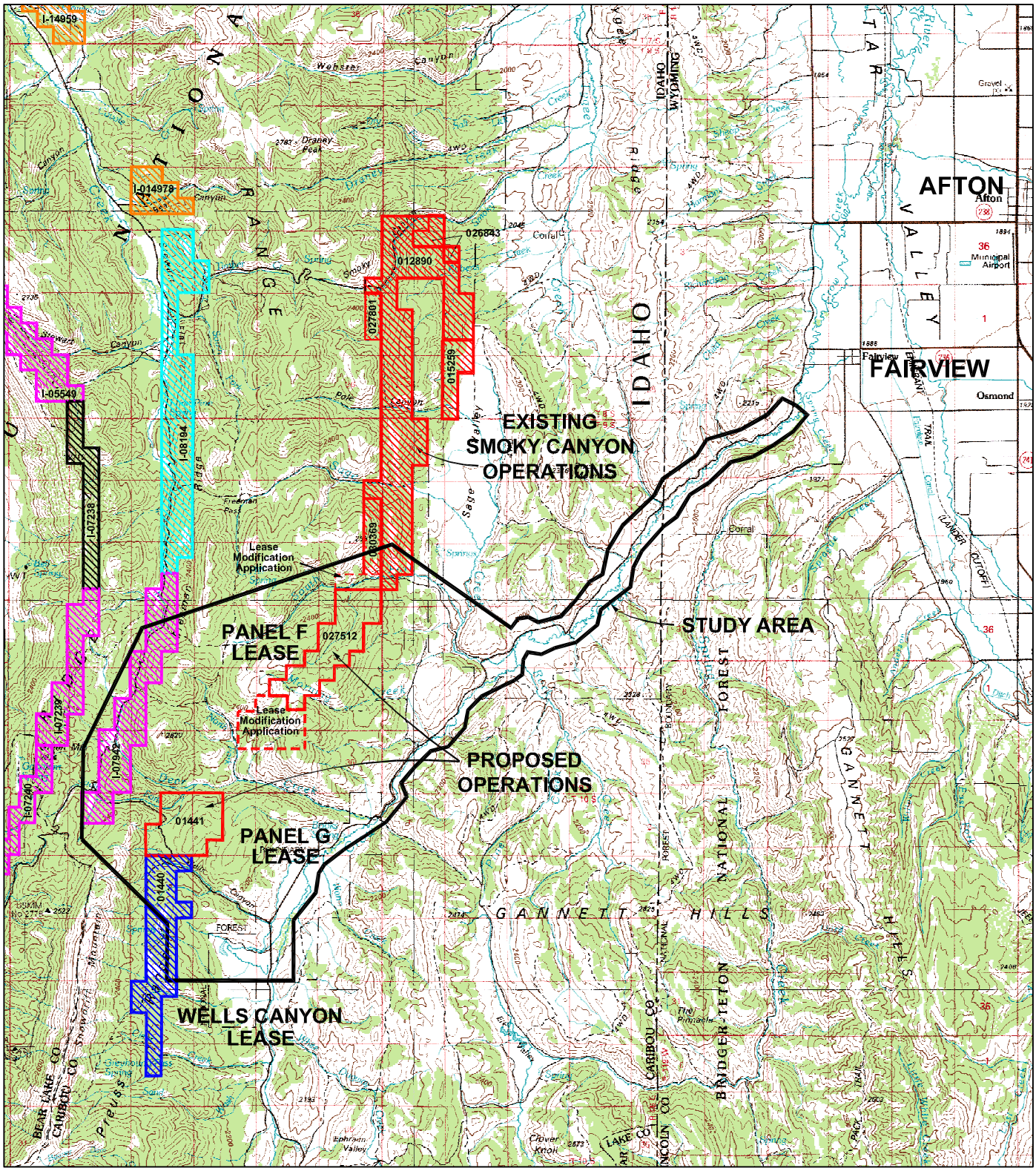
BASE FROM USGS STATE OF IDAHO AND STATE OF WYOMING 1:500,000 MAPS

N

Scale 1:126,720

0 Miles 6

Figure 1.0-1
Location Map
Smoky Canyon Mine Panels F and G



USGS 1:100,000–scale metric topographic maps of Preston and Soda Spring, Idaho and Fonteinelle and Afton, Wyoming

LEASE OWNERS

- Simplot (Proposed Panel F & G Operations)
- Simplot (Lease Modification Application)
- Simplot (Smoky Canyon Operations)
- Simplot
- P4 Productions (Monsanto Wells Canyon)
- Nu West Mining, Inc.
- Rhone-Poulenc
- Nu West Industries, Inc.

N

Scale 1:144,000

0 Feet 12,000

Figure 1.0-2
Existing and Proposed Operations
Smoky Canyon Mine Panels F and G

1.2 Authorizing Actions

The BLM Idaho State Director (Director), who is the responsible official for the EIS and all on-lease lands and lease modifications, will make a decision whether or not to approve the agency-preferred alternative and any required mitigative measures regarding this proposal. The Director will consider the following: comments and responses generated during scoping and review of the EIS; anticipated environmental and socioeconomic consequences discussed in the EIS; recommendation from the CTNF Supervisor; and applicable laws, regulations, and policies. The CTNF Forest Supervisor, who is the responsible official for Caribou-Targhee National Forest System (NFS) Lands, will provide recommendations to the BLM related to the selection of the preferred alternative and appropriate site-specific mitigative measures or other conditions of approval and will also be responsible for the issuance and approval of any Special Use Authorizations (SUAs) needed for the Project for surface disturbances located off-lease within the CTNF. Both the BLM and USFS will consider approval of an entire mine plan for both Panels F and G but can also consider a partial approval of just Panel F, or a phased approval of Panel F followed by a later approval of Panel G. The BLM will finalize and sign the Record of Decision (ROD) for the mining activity. The regulatory approvals will include approval of a site-specific Mine and Reclamation Plan and the possible issuance of phosphate lease modifications by the BLM. Section 404, Clean Water Act Permit(s), will also be required by the U.S. Army Corps of Engineers (USACE). The USACE will render decisions related to that permit and how to mitigate the impacts to affected wetlands and Waters of the United States. Enforcement of federal laws that protect Migratory Birds and Endangered Species lies with the U.S. Fish and Wildlife Service (USFWS) and not primarily with the land management agencies (USFS and BLM). The USFWS will review a Biological Assessment (BA) for listed plant and animal species prepared by the USFS for 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.

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 Action and potential action alternatives. **Table 1.2-1** lists the agencies and identifies their respective authorizing responsibilities.

TABLE 1.2-1 MAJOR PERMITS, APPROVALS, AND CONSULTATIONS POTENTIALLY REQUIRED FOR THE SMOKY CANYON MINE, PANELS F & G

PERMIT OR APPROVAL NAME	NATURE OF PERMIT ACTION	APPLICABLE PROJECT COMPONENT	STATUS OF PERMIT OR APPROVAL ACTION
BLM			
Record of Decision	Compliance with National Environmental Policy Act (NEPA)	Activities affecting federal lands and resources	Required for final approval
Mine and Reclamation Plan	Compliance with 43 Code of Federal Regulations (CFR) 3590.2a, 3592.1a and the Pocatello BLM RMP	Activities affecting federal leased mineral resources	Pending after Record of Decision on the final EIS
USFS Recommendation	Under the Mineral Leasing Act, USFS makes recommendations to the BLM regarding mineral leasing activities on federal mining estates. These recommendations are not a permit	Lease modifications and Mine and Reclamation Plan approval	Recommendations issued after end of appeal period for FEIS
Lease Modification	Authorize expanding existing lease boundaries and recommendations to USFS concerning off-lease disturbances and compliance with 43 CFR 3500	Expansion of existing Federal phosphate lease 027512	Pending after Record of Decision
USFS			
Special Use Authorization	Surface disturbance on USFS-managed lands off-lease.	Disturbance of USFS land off existing BLM leases	Pending after Record of Decision
ENVIRONMENTAL PROTECTION AGENCY (EPA)			
National Pollution Discharge Elimination System (NPDES) Permit	Protects quality of surface waters from stormwater discharge under Clean Water Act	Storm Water Pollution Prevention Plan (SWPPP)	Annually Renewable SWPPP to be updated pending Record of Decision
Spill Prevention Control and Countermeasures Plan (SPCC)	Provides management direction for potential spills	Bulk petroleum products storage	In place. Updated as needed for changes in operations
US FISH AND WILDLIFE SERVICE (USFWS)			
Endangered Species Act Compliance (Section 7)	Protects threatened or endangered species	Any activity, such as displacement or habitat disturbance, potentially affecting listed or proposed threatened or endangered species	Biological Assessment (BA) will be prepared for the agency preferred alternative; consultation will take place
Migratory Bird Treaty Act	Protects migratory birds	All surface disturbing activities	Analysis to be completed
Bald Eagle Protection Act	Protects bald and golden eagles	All surface disturbing activities	Analysis to be completed in BA
US CORPS OF ENGINEERS (USACE)/JOINT APPLICATION			
Permit to Discharge Dredged or Fill Material (Section 404 Permit)	Authorized placement of fill or dredged material in Waters of the U.S. or adjacent wetlands. Clean Water Act Compliance	Disturbances of wetlands and/or Waters of the U.S.	Permits must be obtained and approved before construction
SHOSHONE-BANNOCK TRIBES			
Native American Consultation	Government-to-government consultation regarding mitigation of Project impacts on treaty rights	All ground disturbing activities or public access restrictions	On-going consultation
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (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, further permit needs pending Record of Decision

PERMIT OR APPROVAL NAME	NATURE OF PERMIT ACTION	APPLICABLE PROJECT COMPONENT	STATUS OF PERMIT OR APPROVAL ACTION
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (IDEQ)			
401 Certification	Water quality certification for authorized placement of fill or dredged material in Waters of the U.S. or adjacent wetlands	Disturbances of wetlands and/or Waters of the U.S.	Certification must be obtained as part of the USACE permit review process
Resource Conservation and Recovery Act program (adopted federal standards)	Management of hazardous waste	Storage and off-site disposal of hazardous wastes	Exempt Small Quantity Generator Notification already completed
Board of Health & Welfare	Governs quality and safety of drinking water	Culinary water supply	No additional approval required
IDAHO DEPARTMENT OF WATER RESOURCES (IDWR)			
Stream Channel Alteration Permit(s)	Protection of perennial stream channels	Potential stream crossings	Application will be filed to seek approval before construction
IDAHO DEPARTMENT OF LANDS (IDL)			
Mine Reclamation Plan Permit	Permit for reclamation	Mining and reclamation plans	Required for mining regulated by federal agencies
Easement Across State Land	Easement for a haul/access road crossing of Section 36 T9S R45E	East and Modified East Haul/Access Road	Application will be filed to seek approval before construction
IDAHO STATE HISTORIC PRESERVATION OFFICE (ISHPO)			
Section 106 Compliance	Protects cultural and historical resources under the National Historic Preservation Act	All ground disturbing activities	ISHPO concurrence received
CARIBOU COUNTY			
Conditional Use Permit	Approval of construction of facilities within an approved land use	General facilities	No additional permit required
BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS			
High explosives permit Explosives Manufacturing Permit	Possession of explosives. Mixing emulsion with ammonium nitrate in blast holes	Blasting in open pits and during construction of portions of proposed roads.	No additional approvals required

1.3 Relationship to Agency and Other Policies and Plans

1.3.1 Federal Land Management Plans

The Proposed Action has been reviewed for compliance with agency policies, plans, and programs. Two federal land management plans guide land use developments and activities in the Project Area: the BLM Pocatello Resource Area Resource Management Plan (RMP) and the USFS CNF Revised Forest Plan (RFP). The proposal is in conformance with minerals decisions in the Record of Decision, Pocatello Resource Area, Resource Management Plan (BLM 1987), approved in 1988.

Management prescriptions have been developed and are applied to specific areas of the National Forest System Lands to attain multiple-use and other goals and objectives. The Study Area **(Figure 1.0-1)** includes six management prescriptions: Prescription 2.7.2 (d) – Elk and Deer Winter Range, Prescription 2.8.3 – Aquatic Influence Zone, Prescription 5.2 (b, c, and f) – Forest Vegetation Management, Prescription 6.2 (b, e, f) – Rangeland Vegetation Management, Prescription 8.2.1 – Inactive Phosphate Leases, and Prescription 8.2.2(g) – Phosphate Mine Areas (USFS 2003a).

Almost all the Project Area is within the 8.2.1 management prescription. This management prescription area is shown on Map 11 of the RFP (USFS 2003a). It is basically a ½-mile buffer around Known Phosphate Lease Areas (KPLAs) and inactive leases that existed at the time the RFP was prepared, and it was intended to include phosphate mining operations and ancillary facilities needed for development of mines within the 8.2.1 management prescription area. This same area is also covered by other management prescriptions shown on Map 8 of the RFP. But those are the prescriptions that guide USFS management until a site-specific, phosphate mine development plan is submitted to the USFS. Then the area of the specific mine plan is intended to only be managed under prescription 8.2.2. Thus, the RFP management prescription that applies to this Proposed Action is 8.2.2, with the exception of the components of the Proposed Action that occur outside the ½-mile buffer area (i.e. haul access roads). In these areas, the appropriate prescription would be in effect.

The management prescriptions are not designed to stand alone and are part of the management direction package presented in the RFP. Where a management prescription allows an activity, such as the development of existing phosphate leases, the standards and guidelines in the prescription or in the Forest-wide direction (explained below) would provide specific parameters within which the activity must be managed. In land areas where prescriptions are applied, direction provided under each prescription would override Forest-wide direction if there were a conflict. Under Prescription 8.2.2(g) (USFS 2003a, page 4-82), site-specific mining and reclamation plans developed by the mining industry will be jointly reviewed and evaluated by the USFS, BLM, and regulatory agencies through the environmental analysis process. One of the goals of this prescription is to "Provide for phosphate resource development with consideration given to biological, physical, social, and economic resources (USFS 2003a)."

The RFP also provides Forest-wide guidance for Desired Future Conditions (DFCs) for each resource. From these DFCs, Forest-wide goals have been formulated, and, for some resources, objectives have been developed to help measure the progress in meeting these goals and achieving the DFCs. Standards and guidelines, by resource, are presented in the RFP and are used to promote the achievement of the DFCs and to assure compliance with laws, regulations, Executive Orders, or policy direction established by the USFS. Disclosure of and compliance with these Forest-wide Standards and Guidelines and the applicable prescriptions listed above are discussed within this EIS. Particular reference is made to the goals of the DFCs for minerals and geology: "1) On mined lands and other drastically disturbed lands, maintain or reestablish hydrologic function, integrity, quality, and other surface resource values within the capability of affected lands; 2) provide for mineral resource development using state-of-the-art practices for surface resource protection and reclamation, and with consideration of social and economic resources; 3) mining activities are administered to prevent the release of hazardous substances in excess of established state and/or federal standards; 4) reclamation is designed to eliminate or minimize wildlife, livestock, and/or human exposure to hazardous substances" (USFS 2003a, page 3-11). The approach for active phosphate leases in the revised Forest Plan (USFS 2003a, pages 4-82 to 4-85) is to incorporate Best Management Practices (BMPs) into the conditions of approval for site-specific mining and reclamation plans, and to allow for developments in research and technology over time to be incorporated into the prescribed practices and monitoring systems.

1.3.2 Inventoried Roadless Areas

Due to the presence of Inventoried Roadless Areas (IRAs) in the Project Area, the background status of IRA policy in the USFS and State of Idaho are described in this section.

The USFS identified IRAs nationwide as part of its 1972-1985 Roadless Area Review and Evaluation (RARE) process. All the IRAs in the nation were reviewed again by the Forest Service in 1999 under the Roadless Area Conservation Initiative (RACI), which established management requirements for IRAs. In November 2000, the USFS issued the Final EIS for the proposed Roadless Area Conservation Rule (RACR) and selected a Preferred Alternative that, with few exceptions, prohibited timber harvesting and road building in IRAs. The final RACR (36 CFR 294) was published in the *Federal Register* on January 21, 2001 and prohibited road construction, reconstruction, and cutting, sale and removal of timber, with some exceptions, for the IRAs identified in the FEIS. Several groups and states sued the USFS over the RACR, alleging there had been insufficient public involvement in the rule making. The Idaho Federal District Court issued a preliminary injunction order on May 10, 2001 prohibiting the USFS from implementing the rule. Several interveners appealed this decision to the Ninth Circuit Court of Appeals. On December 12, 2002, the Ninth Circuit Court of Appeals reversed and remanded the Idaho District Court's injunction. Plaintiffs in the Idaho cases requested the Ninth Circuit to reconsider its decision using the full 10-judge panel. The Ninth Circuit Court declined this request on April 4, 2003 and issued its mandate to the Idaho District Court to remove its preliminary injunction, thereby putting the RACR into effect. On July 14, 2003, the U.S. District Court for the District of Wyoming found the RACR to be unlawful and ordered the rule "be permanently enjoined" because of alleged violations of NEPA and the Wilderness Act. On May 11, 2004 the Tenth Circuit Court of Appeals agreed to hear the appeal of the Wyoming District Court order to permanently enjoin and set aside the RACR.

On July 12, 2004, Ann M. Veneman, former Secretary of Agriculture, responded to concerns raised by local communities, tribes, and states impacted by the RACR by announcing a proposal to establish a state petitioning process for IRA management. The proposed rule, which was published on July 16, 2004, reflected a responsible and balanced approach to re-examining the RACR. After receiving and evaluating public comment on this proposal, USDA has adopted a final rule. On May 13, 2005, the USFS issued a Final Roadless Rule, which replaced the 2001 RACR. This 2005 rule establishes a process for Governors with National Forest System IRAs in their state to petition the Secretary of Agriculture to establish or adjust management requirements for these areas. Unless Governors choose to initiate a change through the petition process, existing IRA management requirements contained in individual land management plans will remain unchanged.

As detailed below, the 2003 CNF RFP considered IRAs in developing the management direction for the RFP. This RFP direction will guide activities in IRAs on the CNF unless or until changed through the petition process.

In preparation for revising its Forest Plan, the CNF completed an IRA re-inventory describing changes in the boundaries and character of the 34 IRAs in the CNF from 1985 to 1996. The IRAs, Phosphate Mine Leases, and Known Phosphate Lease Areas (KPLAs) within the CNF are shown on **Figure 1.0-3**. In 2001, the USFS issued Interim Directives and published an Advanced Notice of Proposed Rulemaking (ANPR) describing how to evaluate IRAs for management decisions. The CNF then conducted an IRA re-evaluation, using the five principles for evaluating IRAs that were published in the ANPR. The results from this re-evaluation were incorporated into Alternative 7R of the RFP that was subsequently selected as the Preferred Alternative in the ROD (see USFS 2003b: Appendix R).

The Sage Creek Roadless Area (IRA No. 04166) and the Meade Peak Roadless Area (IRA No. 04167) occur within the Project Area. Detailed descriptions and characteristics of both of these IRAs are provided in **Section 3.11**. The management of Sage Creek, Meade Peak and other IRAs within the CNF fall under the RFP. The proposed mining activities within the existing leases, lease modifications, and the off-lease disturbances, are currently considered by the CTNF to be allowable under Prescriptions 8.2.1 and 8.2.2 of the RFP.

1.4 Public Scoping

A Preliminary Mine and Reclamation Plan was submitted to the BLM and CTNF on April 21, 2003. The Notice of Intent (NOI) for the Smoky Canyon Mine EIS was published in the Federal Register on September 15, 2003. A copy of this NOI is included in the *Scoping Summary Report, Smoky Canyon Mine Panels F and G Extension EIS* (JBR 2004a). A legal notice was published in the Pocatello, Idaho (September 19, 2003) and Afton, Wyoming (September 25, 2003) newspapers. A news release was also published in Pocatello and Boise, Idaho newspapers September 17, 2003 and September 18, 2003, respectively.

A public mailing list was compiled and 115 scoping letters were sent to federal, state, and local government agencies, and members of the interested public. Two public meetings were held. One meeting was held in Afton, Wyoming on October 8, 2003 at Star Valley High School, and the other in Pocatello, Idaho on October 7, 2003 at the BLM Pocatello Field Office. The open house meetings provided a Project description, 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.

Public comments regarding the Project were solicited and then compiled in the Scoping Summary (JBR 2004a) to help determine the issues and alternatives for evaluation in the environmental analysis. By the close of the scoping period on October 20, 2003, 49 comment letters, 3 comment forms, and 130 e-mails had been received for the Smoky Canyon Mine Project. After the end of the scoping period, 47 additional comment e-mails were received for a grand total of 229 comments. The letters included 143 standardized comment letters (about 62 percent) of four general types. 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 Summary (JBR 2004a).

Identified concerns included potential effects of the Project on IRA's, water quality, wetlands, wildlife and fishery habitats, livestock grazing, soils, air quality, socioeconomics, private property values, forested areas, recreation, development of Best Management Practices (BMPs) for mine operations, and 1868 Fort Bridger Treaty Rights.

Caribou-Targhee National Forest

Phosphate Mining Area

Phosphate Mine Leases
Known Phosphate Lease Areas
Roadless Areas (1996)

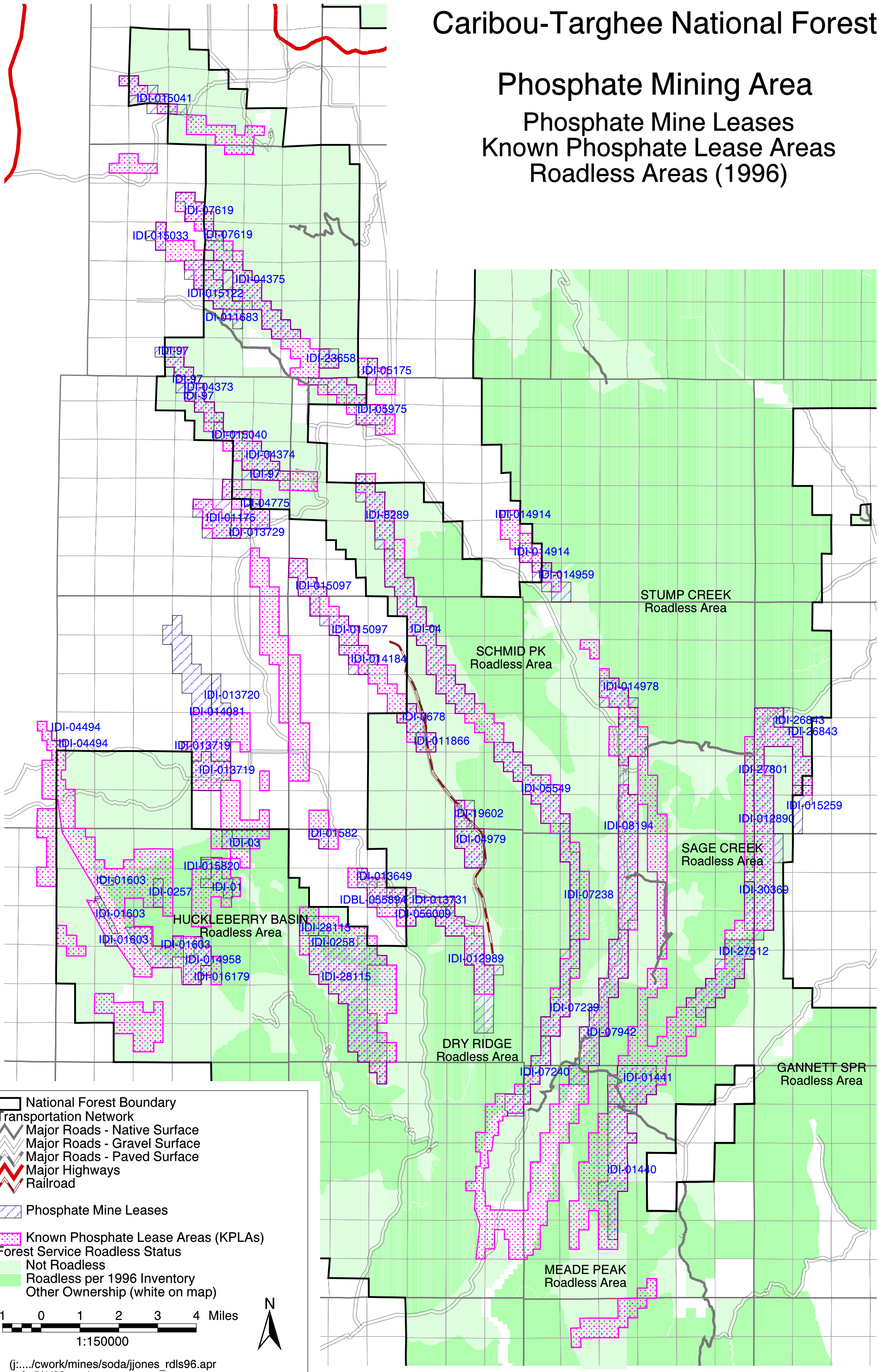


FIGURE 1.0-3

1.5 Tribal Treaty Rights and Native American Consultation

The Shoshone-Bannock Tribes and Northwest Band of the Shoshone have ancestral Treaty Rights to uses of the CTNF and the Curlew National Grassland. The relationship of the United States government with American Indian 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. These rights are still in effect, and management actions recognize these rights. Consultation with the Shoshone-Bannock Tribal Council is required on land management activities and land allocations that could affect these rights.

As part of government-to-government relations, the Shoshone-Bannock Tribes and CTNF are developing a protocol that will guide coordination, cooperation and consultation between the two entities. Tribal concerns with site-specific Projects revolve around impacts to their tribal treaty rights. According to the Fort Bridger Treaty and subsequent court cases clarifying these rights, the Shoshone Bannock Tribes have the right to hunt, fish, gather, and practice traditional uses on all unoccupied lands in the United States. On ceded lands[1], the Tribes have also retained the right to graze domestic livestock. In addition, the Northwest Band of the Shoshone also have treaty rights on the CTNF. Forest Service managers have a responsibility to protect those resources essential for the Tribes to exercise their treaty rights. Concerns that the Shoshone-Bannock Tribes may have with this Project are discussed in this EIS.

The goal of the BLM Manual Section 8160 is to "assure that tribal governments, Native American communities, and individuals whose interests might be affected have a sufficient opportunity for productive participation in BLM planning and resource management decision making." Federal agencies also have a trust responsibility to federally recognized tribes. This trust responsibility is reflected in language contained in BLM Manual Section 8160. To this end, the Pocatello BLM Field Office and CTNF have continued consultation and coordination with the Native Americans represented in southeast Idaho.

Federal agencies are required by law (Archaeological Resources Protection Act of 1979 and National Historic Preservation Act of 1966) and regulation to consult with Native Americans on actions that may affect their traditions or uses of public lands. Specifically, the agencies are required to follow the Section 106 process as recorded in 36 CFR 800 - Subpart B as revised January 11, 2001.

On September 15, 2003, the BLM and USFS mailed a scoping letter to the Tribes that contained maps and illustrations explaining the Project. This was followed up with a meeting with Tribal technical staff in Fort Hall on October 2, 2003. The Shoshone-Bannock Tribes responded to scoping with a comment letter dated October 17, 2003. The BLM and USFS staffs met with Tribal technical staff (Chad Coulter, Yvette Tuell, and Kelly Wright) for a field tour of the area for the proposed mining activity on October 14, 2003. Additionally, a BLM representative accompanied members of the Tribal Cultural Resources Committee to the Project Area to provide an overview of the proposal on July 29, 2004. Following the formulation of Chapters 1,

[1] These lands were formerly part of the Fort Hall Reservation but later ceded to the federal government to allow for white settlement. The ceded lands on the CTNF are primarily on the Westside Ranger District.

2, 3, and 5 by the agencies, a meeting was held with the Tribal technical staff on April 15, 2005 to review how this EIS would address the correspondence from the Tribes. Formal Government to Government consultation between the BLM, USFS, and Shoshone-Bannock Tribes was initiated by a meeting with the Fort Hall Business Council on June 27, 2005. Coordination with the Tribes will continue throughout the EIS process.

A more complete description of the Native American consultation process is provided in **Sections 3.14** and **4.14**.

1.6 Issues and Indicators

The issues to be evaluated in this EIS are derived from the final Smoky Canyon Mine Panels F and G Extension EIS Scoping Summary issued in March 2004 (JBR 2004a). In that document, the comments received during scoping from agencies and the public were summarized into categories, which became the basis for defining issues and indicators.

The defined issues are presented under components of the human and natural environment that are customarily addressed in impact analysis. The indicators are typically the quantifiable criteria that are used to judge the significance of the impact, although some issues rely on a discussion of effects for comparison purposes or an evaluation of the impact instead of a quantifiable indicator. Indicators are based on regulatory requirements, baseline data, trends, and best management technology. A description of the issues and indicators by topic is provided below.

1.6.1 Geology, Minerals, and Topography

There are no controversial issues for these resources. Chapter 4 will still disclose that a certain amount of phosphate ore would be removed from the leases and describe the effects to topography from the reclaimed mine and transportation facilities.

1.6.2 Air and Noise

Issue (air):
The Project emissions may cause air quality effects that are different from existing operations due to relocation of mining emissions and from increased traffic on haul roads and possibly offsite access roads.

Indicators (air):
Exhaust and dust emissions generated from haul trucks and other mining equipment may impact the air quality in this area;

Change in air quality from Project emissions at Class I Areas in the vicinity of the operations with emphasis on compliance with National Ambient Air Quality Standards (NAAQS).

Issue (noise):
Noise from mine operations, mine traffic on haul roads, and traffic on access roads may affect Project Area residents.

Indicators (noise):
Estimated noise levels from mining operations, haul truck traffic related to mining, and access road traffic.

1.6.3 Water Resources

Issue:
The mining operations and related transportation activities may cause changes to the quantity and quality of surface water or groundwater in the Project Area and within the Crow Creek watershed area.

Indicators:
Changes in the volume and timing in surface runoff water caused by the operations;

Increases in suspended sediment, turbidity, and contaminants of concern in downgradient streams, ponds and other surface waters, with regards to applicable surface water quality standards;

Reduction in available groundwater to supply existing baseline flow of streams and springs in the Project Area from pumping the Panel G water supply well;

Increases in concentrations of contaminants of concern in groundwater under and downgradient of pit backfills and overburden fills, with regards to applicable groundwater quality standards;

Length of roads that occur on the Meade Peak Shale outcrop that could contribute selenium in runoff to nearby streams.

1.6.4 Soils

Issue:
The mining operations and related transportation activities may affect soil resources in the Project Area.

Indicators:
Acres of soil disturbance and acres left unreclaimed.

1.6.5 Vegetation

Issue:
The mining operations and related transportation activities may affect vegetation patterns and productivity in the Project Area, including Threatened, Endangered, Proposed, Candidate, and Sensitive (TEPCS) plant species habitat.

Indicators:
Acres of vegetation communities and suitable TEPCS habitats that would be disturbed and also potentially subjected to an increase in weed invasion;

Acres of disturbed area that are planned for reclamation and the types of vegetation that would be restored;

Bioaccumulation potential for reclamation vegetation to become contaminated in excess of USFS guidelines from reclaimed backfills or external dumps;

Acres of permanent vegetation conversion from forest to non-forest cover and predicted re-growth rate back to forest conditions;

Compliance with the applicable RFP Standards and Guidelines.

1.6.6 Wetlands

Issue:
Construction of mine facilities and other surface disturbances may directly affect wetlands and Waters of the U.S. and could include increased metal and sediment loading in surface waters and/or changes in water quantity/quality in both surface waters and groundwater supporting Waters of the U.S.

Indicators:
The number of wetland acres disturbed by mining activities and related facilities;

The number of Waters of the U.S. crossings caused by mining and new transportation corridors;

Change in function and value of all wetlands disturbed by the mine and related facilities.

1.6.7 Wildlife Resources

Issue:
The mining operations and related transportation facilities may physically affect terrestrial wildlife, including Threatened, Endangered, Proposed, Candidate, and Sensitive (TEPCS) and Management Indicator Species (MIS), through direct disturbance and fragmentation of their habitat.

Indicators:
Acres of different wildlife habitats physically disturbed and the juxtaposition of that disturbed habitat over the life of proposed mining activities;

Acres of disturbance to and the proximity of the proposed operations to high value habitats such as: TEPCS species habitat, crucial and or high value big game ranges, wetlands, and seep and spring areas;

Increased uptake by wildlife of contaminants of concern in mining disturbed areas and areas that are reclaimed;

Increase in mining and transportation related noise levels in wildlife habitat;

Increase in vehicle traffic in the Project Area and potential for increased wildlife mortality through accidents;

Compliance with the applicable RFP Standards and Guidelines.

1.6.8 Fisheries and Aquatics

Issue:
The Project may affect cutthroat trout, other native fish, amphibians, or aquatic resources in the Project Area.

Indicators:
The length of intermittent and perennial stream channels directly affected by road fill and associated culverts, and comparison with the undisturbed lengths of these stream channels in the Project Area;

Acres of aquatic influence zone (AIZ) habitat to be affected and comparison with undisturbed acreage of this habitat in the Project Area;

Quantities of suspended sediment and contaminants of concern in fishery resources in the area, with emphasis on compliance with applicable aquatic life water quality standards;

Compliance with the applicable RFP Standards and Guidelines.

1.6.9 Grazing Management

Issue:
The Project may impact permitted livestock grazing within and adjacent to the Project Area.

Indicators:
Acres of suitable livestock foraging areas to be disturbed and the length of time livestock would be excluded from the mining areas, and comparison with undisturbed acres of grazing allotments in the Project Area;

Effects of relocation of grazing from directly impacted allotments to alternate allotments during active mining and reclamation;

Description of grazing allotment improvements and structures that would be disturbed;

Estimated concentrations of contaminants of concern in grazing water sources;

Change in suitable grazing acreage caused by increased Contaminants of Potential Concern (COPCs) in reclamation vegetation.

1.6.10 Recreation and Land Use

Issue:
Recreational use and public access to the Project Area may be limited or prevented by mining activities and could impact adjacent private lands.

Indicators:
Number of acres of active mine area temporarily closed to public use;

Number of recreational access points temporarily closed to public use;

Acres of recreational areas temporarily blocked from public access;

Locations of primary access roads blocked or closed by mining activities.

Issue:
Impacts may occur from unauthorized Off-Highway Vehicle (OHV) and All-Terrain Vehicle (ATV) use on reclaimed and closed roads.

Indicators:
Predicted use of recreational vehicles on reclaimed area or roads with consideration of methods used to prevent OHV and ATV use.

1.6.11 Inventoried Roadless Areas/Recommended Wilderness

Issue:
The Project may impact Inventoried Roadless Area characteristics.

Indicators:
Description of impacts to roadless attributes and characteristics.

1.6.12 Visual and Aesthetic Resources

Issue:
The Project may adversely affect visual resources in the area.

Indicators:
Estimated compliance with the Visual Quality Objectives in the USFS Visual Management System;

Change in scenery, from baseline to projected, from various public and occupied points within the Study Area.

1.6.13 Cultural Resources

Issue:
Cultural resource sites may be impacted in the Project Area.

Indicators:
Number of cultural sites eligible for the National Register of Historic Places (NRHP) impacted by the Project.

Issue:
The heritage values (resources) of the Project Area may be compromised by the Project.

Indicators:
Acres to be removed from historic land uses with local heritage value, and duration of the mining activities.

1.6.14 Treaty Rights Resources

Issue:
The Project activities may impact the ability of Shoshone Bannock tribal members to exercise their treaty rights in the Project Area and may impact resources of cultural significance to tribal members.

Indicators:
Changes in water quality and quantity of both surface and groundwater;

Acres and types of vegetation disturbed versus acres and types of vegetation replanted;

Acres of wetlands disturbed;

Acres of wildlife habitat disturbed;

Increased uptake by wildlife of contaminants of concern in mining disturbed areas and areas that are reclaimed;

Types of aquatic resources to be affected and comparison with undisturbed habitats in the Project Area;

Acres of access and recreation areas that would be available or unavailable and the duration of mining activities;

Visibility of disturbances to adjoining areas;

Known prehistoric cultural resources sites impacted by the Project.

Issue:
The Project would diminish the locations available to exercise Treaty Rights.

Indicator:
Change in land status and accessibility.

1.6.15 Transportation

Issue:
Use of public roads in the Project Area for mine access may affect current traffic characteristics of the roads with increased risk of accidents and potential for spills.

Indicators:
Relative increase in traffic on public roads in the Project Area as a result of proposed mining activities, change in traffic types, and road design features to deal with this;

Changes in existing primary access to and through the CTNF on county or open USFS roads caused by the mining and associated activities.

1.6.16 Social and Economic Resources

Issue:
The heritage values of the Project Area may be compromised by the Project.

Indicators:
Acres to be removed from historic land uses with local heritage value, and duration of the mining activities.

Issue:
Potential closure of mine and effects on the local economy.

Indicators:
Numbers of employees, contractors, and their dependents that could be affected by potential mine and fertilizer plant closure and loss of personal/public income. Appropriate multipliers would be used to estimate economic and social impacts.

Issue:
Potential closure of mine and resulting decreased domestic phosphate production may cause a reduced fertilizer supply, increased price on national agricultural products, and cause an increased foreign natural resource dependence.

Indicators:
Percentage of U.S. phosphate fertilizer market derived from Don Plant production and ability of other domestic and foreign sources to satisfy this demand, if necessary.

Issue:
Chemical degradation of water, soil, and vegetation in the Project Area may impact local farmers and compromise the viability of their farms/ranches in terms of both agribusiness and tourism.

Indicators:
Predicted levels of any offsite contamination of water, soil, and vegetation of farms and ranches within the Project Area with emphasis on compliance with applicable standards.

Issue:
Nearby property values may be changed by proximity of mine and transportation activities.

Indicators:
Relative potential change of property values from mining operations in the area and potential change in property values within the Star Valley if mining were to cease.

1.6.17 Environmental Justice

No significant issues were identified.