



Greater Yellowstone Coalition

162 N. Woodruff Avenue + Idaho Falls, Idaho 83401 + (208) 522-7927
idaho@greateryellowstone.org + www.greateryellowstone.org

November 2, 2009

Bureau of Land Management
Pocatello Field Office
ATTN: Barry Myers
4350 Cliffs Drive
Pocatello, ID 83204

RE: 2009 Husky 1 and North Dry Ridge Exploration EA Scoping

Dear Barry:

The following are the comments of the Greater Yellowstone Coalition (“GYC”) on the above referenced project. GYC is a 501(c)(3) non-profit organization dedicated to protecting the wildlands, wildlife, and other outstanding natural resources of the Greater Yellowstone Ecosystem. GYC has offices in Idaho, Wyoming, and Montana and more than 20,000 members and supporters nationwide. GYC’s members regularly use and enjoy the lands of the Caribou-Targhee National Forest for a variety of activities such as fishing, hiking, hunting, wildlife viewing, spiritual renewal, biological and botanical research, photography, and other forms of recreation.

Roadless Area Impacts

Proposed Off Lease Activities

A portion of the project area lies within the Dry Ridge Inventoried Roadless Area (IRA).¹ According to the scoping notice, the “off lease” activities amount to:

Eight drill holes and 0.59 miles of new road construction would be located within the Dry Ridge Roadless Area managed under the General Forest theme of the Idaho Roadless Rule (36 CFR Part 294). Section 294.25(e)(1) of the Rule allows the Forest Service to authorize road construction and reconstruction in association with phosphate deposits on NFS lands described in Figure 3-20 of the Final Environmental Impact Statement for Roadless Area Conservation, NFS Lands in Idaho (USDA 2008, page 182).²

¹ Bureau of Land Management, USDA Forest Service. Public Scoping Notice – Husky 1 and North Dry Ridge Phosphate Exploration Project at 3.

² *Id.*

Yet, upon reviewing Figure 2 of the scoping notice, it is clear that the scoping notice failed to disclose that a small portion of the area designated as “Husky 1 Off Lease” is within the Schmid Peak Roadless Area designated as Backcountry Restoration and phosphate leasing or mining activities are not permitted in this area. Furthermore, the scoping notice failed to disclose that the proposal includes road building and drill pad construction within the Schmid Peak IRA.

Roading and developing drill pads in the Dry Ridge and Schmid Peak Roadless Areas will significantly alter the undeveloped character of these two inventoried roadless areas. While the Idaho Roadless Rule might permit such incursions into unleased portions of these IRA, the 2001 Roadless Rule does not permit such incursions. On January 16, 2009, GYC and four other organizations challenged the Idaho Roadless Rule in federal court. That case is currently active. The Forest Service must not permit the proposed road building and drill pad construction in the Dry Ridge and Schmid Peak Roadless Areas, since such activity would prejudice our case. To date plaintiffs in the legal challenge of the Idaho Roadless Rule have not requested an injunction, because no projects that would violate the 2001 Roadless Rule have been permitted. However, given the implications of this proposal we will need to review our position on injunctive relief.

On Lease Activities

For previously leased portions of the Dry Ridge Roadless Area the EA proposal must include a thorough disclosure and analysis of impacts to the roadless characteristics and values specific to this area – beyond the general description of roadless area values provided in the 2003 Caribou Forest Revised Forest Plan. The analysis should include impacts to water quality, aquatic species, wildlife, roadless area recreation, and other roadless values such as solitude, hunting, and so forth. It should also thoroughly and accurately discuss how this proposal will result in an increase in motorized recreational activity in the project area. This analysis should also account for direct and indirect impacts from motorized use associated with the proposed exploration project, as well as impacts from increased motorized recreation that will inevitably result from the overall increase in access for motorized vehicles within the roadless area and adjacent areas outside the roadless area.

Impacts on IDFG Blackfoot Wildlife Management Area

The scoping notice, in part seems to want to make sure all of the public’s issues and concerns with the proposal are included in the NEPA analysis for the proposal.

To ensure that all issues related to this proposed project are addressed and that impacts are identified, comments and suggestions are invited from all interested parties.³

Yet the scoping notice fails to reveal a critical detail of the proposal – that the exploration proposal and any mining proposals resulting from exploration would occur on, at a minimum, 80 acres within the Idaho Department of Fish and Game’s (IDFG) Blackfoot River Wildlife Management Area (WMA). This is no small issue. The effects of exploration and mining will have a significant impact on both terrestrial and aquatic wildlife habitat. It will also have a

³ *Id.* at 4.

significant effect on those who visit the WMA for recreational pursuits such as wildlife viewing, fishing, hunting, photography, hiking and other outdoor activities.

From GYC's perspective, this is especially significant since we "adopted" the WMA through the IDFG's "Adopt-a-Wetland" program in 1997 and our staff and members have volunteered more than one thousand hours in projects within the WMA with the goal of improving fish and wildlife habitat within the WMA. This proposal will have significant, negative effects on habitat within the WMA, on GYC's members and supporters, and upon the larger public who value the WMA for a variety of recreational activities. Unfortunately the scoping notice failed to even acknowledge that lands within the WMA would even be involved.

Cumulative Impacts

NEPA is very specific in requiring agencies to consider cumulative impacts of each alternative considered.⁴ This direction is further specified in the Forest Service Handbook.⁵ "Cumulative impact" is defined as "the impacts on the environment which results from the incremental impacts of the action when added to other past, present, and reasonable foreseeable future action regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."⁶

While this proposal is strictly for exploratory purposes, it is another step toward a future mining proposal. It is disingenuous for the agencies to pretend this has nothing to do with future mining of the sites. The NEPA document for this project should address the direct and indirect impacts of mine development as well as the road building and drilling activities described in the scoping notice. Since NEPA requires agencies to analyze cumulative impacts to the environment, this EA should address all cumulative impacts from past, present, and future mining and milling operations, exploration activities, and related activities in south eastern Idaho. Phosphate mining in the region has resulted in a major swath of development through the CNF. Habitat fragmentation, alteration of wildlife migration corridors, and a disruption of ecosystem functioning have resulted from past and ongoing phosphate mining and exploration. More than 125 miles of the Blackfoot River and its tributaries are on the Idaho 303(d) list. This proposal will further impact the watershed. These and other impacts must be addressed in the EIS. Cumulative impacts from other activities, including but not limited to grazing, logging, power line construction, and roading should also be analyzed.

Superfund Site Issues

The scoping notice fails to disclose the fact that part of the activities for this proposal will occur within the South Maybe Canyon Mine Superfund site, or that the North Dry Ridge lease is adjacent to the North Maybe Canyon Superfund site. In a visit to the North and South Maybe Canyon Mines with Agrium staff on June 19, 2009, Agrium officials indicated that cleanup of both those mine sites was dependent upon mining both the North Dry Ridge and Husky 1 leases.

⁴ 40 C.F.R. §§ 1502.16, 1508.8, 1508.25(a)(2), (c).

⁵ FSH, Chapter 24.

⁶ 40 C.F.R. § 1508.7.

The EA must disclose and analyze how this proposal, in combination with past mining and selenium contamination, will affect the environment. Just as importantly, the EA should disclose how this proposal would affect the unfulfilled promises of cleanup of the North and South Maybe Canyon Mines. Finally, the EA must disclose the effects of Agrium's recent lawsuit on any phosphate exploration and mining activities the company proposes in and adjacent to two of their Superfund Sites, the North and South Maybe Canyon Mines.

Re-Scoping of This Proposal is Required.

The failure to disclose significant, highly relevant information about this proposal is a critical flaw. As noted above the scoping notice failed to disclose that the proposal:

- includes activities within the Schmid Peak IRA and that it includes a portion of the Schmid Peak IRA designated as Backcountry Restoration
- includes activities within the Blackfoot River WMA
- includes lands within the South Maybe Canyon Superfund site and adjacent to the North Maybe Canyon Superfund site.

The public should not be forced to ferret out this important information on their own, as we have had to do here. Given this critical flaw, the BLM and Forest Service must now re-issue the scoping notice to include this information, and all other relevant information that they have so far failed to disclose and that we have *not yet* discovered.

Thanks for the opportunity to comment.

Sincerely,

/s/

Marv Hoyt
Idaho Director