

April 28, 1997

Mr. Jeff Steele
Pocatello Resource Area Manager
Bureau of Land Management
1111 North 8th Avenue
Pocatello, ID 83201-5789

Mr. Sam Hernandez
Bureau of Indian Affairs, Ft. Hall Agency
Technical Services
PO Box 220
Fort Hall, ID 83203

Subject: Comments on the Draft "Status of Reclamation Compliance at Gay Mine, Ft. Hall Agency, Idaho, 1996"


Dear Mr. Steele and Mr. Hernandez:

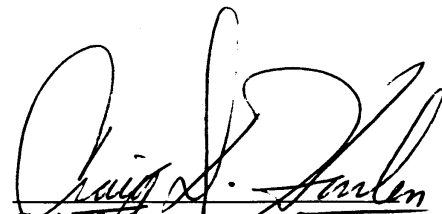
Enclosed with this letter are FMC Corporation and J.R. Simplot Company ("the Companies") comments on the subject draft report. Although the Companies do agree that a certain amount of additional reclamation work needs to be conducted during 1997, the vast majority of the reclamation work completed at the Gay Mine conforms to the requirements established in the approved mine plans. The enclosed comments are prefaced with a list of reclamation work that the Companies proposed to conduct during 1997, followed by responses (in the same order) to each of the items listed in Section VII. Summary of Specific Conclusions/Recommendations of the draft report.

The draft report did not include a recommendation for surface water monitoring; however, the Companies are planning to conduct surface water sampling at Gay mine. A selenium task force comprised of Agency and industry representatives will be developing a "standardized" workplan for sampling and analysis of surface water at phosphate mines in southeast Idaho. The Companies will utilize the standardized workplan for surface water monitoring at Gay Mine.

The Companies are available for a meeting to clarify and discuss these responses. Please contact Rob Hartman at (208) 236-8658 to schedule a meeting or should you have questions regarding this information.

Very truly yours,


Paul Yochum
FMC Corporation


Craig Haylen
J.R. Simplot Company

Enclosure

cc: Shoshone-Bannock Tribes

FMC Corporation and J.R. Simplot Company Comments on
Draft "Status of Reclamation Compliance at Gay Mine,
Ft. Hall Agency, Idaho, 1996"

Reclamation work planned by FMC Corporation and J.R. Simplot Company ("the Companies") for the summer/fall of 1997:

1. The Companies will complete general cleanup around office, tippie and support building area. The cleanup will include wood debris (pallets), trash (paper, rubber parts, etc.), tramp metal, and old tires (tire shop). The two shovels will also be removed from the property. The Sho-Ban Tribes previously identified all of the structures (buildings, tippie, box car, water tanks) that are currently standing to remain intact.
2. The road up to the ore pads, ore pads (B-1 and B-4), old airstrip and landfarm area will be ripped and seeded when the landfarm operation is completed. "B" seed mix will be used for all seeding referenced herein.
3. The Companies strongly suggest that water bars be installed only where significant erosion of reclaimed roads by runoff has been observed, and will work with the BLM/BIA to address specific areas suffering excessive erosion.
4. The Companies are willing to install fencing (3-strand barb-wire) along the south/east highwall at A-12 pit.
5. The Companies' understand that the Sho-Ban Tribes want to keep the gravel pit accessible for road maintenance use; if this is no longer the case, the gravel pit area will be graded and seeded.
6. Continue/complete landfarming, including addition of minor additional oil-stained soil from small area east of tippie where equipment was salvaged.
7. The Companies will rip and seed C-8 dump. The remaining highwalls were to be sloped or fenced which has not been completed. The Companies will install a fence (3-strand barb-wire) along the east highwall of C-9 pit.
8. Upon notification from the Tribes that the materials have been removed and that the Tribes do not want to retain the structure (shack), the Companies will reclaim the powder magazine area. As the Companies want to complete work during 1997, a decision by the Tribes to remove their materials and to retain or demolish the structure needs to be communicated to the Companies in the near future. In the absence of notification, the Companies will not conduct any work in this area.
9. The mill shale pile to the west of the haul road (west of old I-pits) will be flattened (pushed out), graded and seeded.
10. The Companies agree to remove and salvage or dispose of the fencing remaining from the old test plot near the R pits.
11. The Companies will horizontally rip and seed the northwest fill area of the T-2 pit.

12. The Companies will repair (fill) the sinkhole in the haul road between HH and OO allotments.
13. The Companies will repair (fill) the sinkhole in the haul road near JG pit.
14. The Companies will grade (flatten to 3:1 slope), rip and seed the waste piles in the bottom of JD pit (north and south ends).
15. The Companies will remove the Willow Creek culvert and create a rock-lined channel. This will eliminate further use of the haul road.
16. The Companies will eradicate weed infestations that are identified in reclaimed/revegetated mine pit, dump and haul road areas; however, the Companies are not responsible for weed control along permanent roadways (Baker Canyon Road).
17. The Companies will fulfill the agreement with the Tribes with respect to the park.
18. The Companies agree to reestablish survey control points and monumentation where needed.
19. The Companies agree to monitor the success of revegetation for two growing seasons after seeding.
20. Conduct surface water sampling and analysis (pit water and streams) for potential selenium (spring and fall 1997).

Comments are listed in the same order as listed in Section VII. Summary of Specific Conclusions/Recommendations of the draft report:

A. Headquarters and Tipple Area

- 1.) As stated above, the Companies will complete general cleanup around office, tipple and support buildings area. The cleanup will include wood debris (pallets), trash (paper, rubber parts, etc.), tramp metal, old tires (tire shop). The Sho-Ban Tribes previously identified all of the structures (buildings, tipple, box car, water tanks) that are currently standing to remain intact.
- 2.) The road up to the ore pads, ore pads (B-1 and B-4), old airstrip and landfarm area will be ripped and reseeded when the landfarm operation is completed. The areas around the buildings and tipple are expected to be used by the Sho-Ban Tribes for the proposed park/picnic area. Since these areas will continue to be used, it does not make sense to rip and seed these areas.

The vast majority of haul roads have been successfully reclaimed. The proposed requirement for water bars was never articulated to the Companies prior to or during reclamation of haul roads when installation of water bars would have been relatively easily accomplished. At this point, significant damage to prior reclamation will result from re-disturbance of vegetated haul roads. The Companies strongly suggest that water bars be installed only where significant erosion of reclaimed roads by runoff has been

observed, and will work with the BLM/BIA to address specific areas suffering excessive erosion.

- 3.) During a visit to the mine site on April 8, 1997, Company representatives observed the culverts on the haul road east of A-12 pit, but the culverts were functioning and did not appear damaged. The BLM/BIA will need to specify which culvert(s) and what constitutes damage so the Companies can evaluate options.
- 4.) The A-12 mine plan was approved on 5/24/89 and the pit was mined during 1989 through 1992. The mine plan specifies that waste from the east portion of the pit would be used to backfill the west end of the pit, as was done. The highwall was sloped and blended into the backfill except for the aspen stand on the south side that the Sho-Ban Tribes requested to be left undisturbed. The water pipeline to the office was relocated to allow rounding of the south and east highwall, highwall rounding proceeded until safety concerns (due to springs and seeps) stopped further work. Reclamation of this pit has been completed in accordance with the approved mine plan. Recognizing potential safety hazards, the Companies are willing to install fencing (3-strand barb-wire) along the south/east highwall.
- 5.) As stated above, the Companies' understand that the Sho-Ban Tribes want to keep the gravel pit accessible for road maintenance use; if this is no longer the case, the gravel pit area will be graded and seeded.
- 6.) Recognizing potential safety hazards, the Companies are willing to install fencing (3-strand barb-wire) along the south/east highwall of the A-12 pit.
- 7.) Plugging the channels will not be effective. Natural drainage will continue to erode channels in this area until a primary channel is established. There is no reasonable alignment to divert the drainage around A-12 pit.
- 8.) During a visit to the mine site on April 8, 1997, Company representatives observed spoil piles around A-12 pit, but did not note significant erosion of vertically ripped piles in this area. The BLM/BIA will need to specify which piles and where significant erosion has occurred so the Companies can evaluate options.
- 9.) As stated above, the Companies will scrape up minor additional oil-stained soil from small area east of tibble where equipment was salvaged and place the soil on the landfarm area for treatment.
- 10.) The Companies do not believe that improvement of the ponds constitutes a required reclamation effort. The ponds were "created" by the haul roads in this area, therefore, reclamation would entail draining the ponds through the existing culverts and allowing drainage to flow through rather than pond. The Sho-Ban Tribes have alternately overfilled and drained the upper pond, but apparently want to retain the ponds. However, the Companies do not believe their reclamation obligation extends to improving the ponds for future use.

B. North Limb

- 1.) The C-9 mine plan was approved on 2/10/75 (amended 3/5/75) and the pit was mined during 1978 through 1979. The mine plan specifies that waste from the pit would be used to backfill C-8 pit to the north and the rest to backfill A-11 pit to the south, as was done. As stated in the mine plan, C-9 pit was not to be backfilled. All waste dumps have been sloped and seeded, except C-8 dump. The Companies will rip and seed C-8 dump. The remaining highwalls were to be sloped or fenced which has not been completed. The Companies will install a fence (3-strand barb-wire) along the east highwall. The mill shale piles in the C-9 and A-11 area have been shaped and seeded per the approved plan.
- 2.) The Companies previously removed all explosives from the powder magazine. The Companies have heard that the Tribal police may have placed explosives or other materials in the magazine. Upon notification from the Tribes that the materials have been removed and that the Tribes do not want to retain the structure (shack), the Companies will reclaim the powder magazine area. As the Companies want to complete work during 1997, a decision by the Tribes to remove their materials and to retain or demolish the structure needs to be communicated to the Companies in the near future. In the absence of notification, the Companies will not conduct any work in this area.
- 3.) The Companies are not clear on the scope of this comment. The access/haul road to the north limb has been ripped and seeded, and vegetation has begun to re-establish on the road. The BLM/BIA will need to specify the areas that need to be re-seeded so the Companies can evaluate options.
- 4.) During a visit to the mine site on April 8, 1997, Company representatives observed the area of the G-pits that is believed to be the area referred to by this comment. The G-pits are all pre-NEPA pits. In addition, substantial natural vegetation has been reestablished in this area and reworking would destroy most if not all of the natural vegetation.
- 5.) During a visit to the mine site on April 8, 1997, Company representatives viewed a mill shale pile to the west of the haul road (west of old I-pits) that is believed to be the area referred to by this comment. This is a mill shale stockpile. The Companies agree that the slope of the pile will be flattened (pushed out), graded and seeded.
- 6.) The K-4 mine plan was approved on 3/1/82 and the pit was mined during 1982 through 1984. As stated in the comment, the plan stated that the pit would not be backfilled. The north and west areas of the pit are pre-NEPA. The surrounding mill shale piles have been reclaimed. The Companies did not find any requirement for relocating the water line and water trough away from the K-4 pit. Note that the water line and trough were not installed by the Companies.
- 7.) The M-6 mine plan (M-7 is part of originally planned M-6 pit) was approved on 4/3/72 and the pit was mined during 1973 through 1974. The mine plan stated that mined out

O-5, M-4, and the north end of M-6 pits would be backfilled, as was done. High wall reduction was also completed on the backfilled portions of O-5, M-4, and the north end of M-6 pits. External waste dumps were sloped and seeded. In addition, old pre-NEPA pits to the west of M-6 were shaped and seeded. Reclamation of this pit has been completed in accordance with the approved mine plan.

- 8.) The Companies have not had an opportunity to observe the current condition of the V-ditch between M-7 pit and R-pit. The Companies propose to visit this area with BLM/BIA to evaluate options.
- 9.) The R-1 and R-2 pits were mined during 1969 through 1974. There do not appear to be reclamation requirements for these pits. However, the Companies have not had an opportunity to observe the current conditions at the R-pit. The Companies propose to visit this area with BLM/BIA to evaluate options.
- 10.) The Companies agree to remove and salvage or dispose of the fencing remaining from the old test plot near the R pits.
- 11.) The Companies have already filled the erosion channel on this mill shale pile at least twice in the past but a drainage channel continues to redevelop. At this point, it appears that this channel should remain as a natural drainage feature since there is obviously recurring runoff that drains through this area.
- 12.) The QQ-1 and QQ-2 pits were mined during 1968 through 1970. These pits are pre-NEPA. Although there were no specific reclamation requirements for these pits, the pits did receive some backfill. In addition, substantial natural vegetation has been reestablished in this area and reworking would destroy most if not all of the natural vegetation.

C. East Limb (Group 2, noted as Group 1 in the BLM/BIA draft report)

- 1.) The Z-2 pit mine plan was approved 9/21/78 and was mined during 1985 through 1987. The Z-2 was originally approved as the third pit in the Group 2 ore reserves south of Baker Canyon Road. However, the mining sequence was later modified so that pits EE-2 and EE-3 that are visible from Baker Canyon Road could be completely backfilled. The EE-3 mine plan was approved 11/12/81 and mined along with X-3 pit during 1984 and 1985. Wastes from these pits was used to backfill X-2 pit. Next Y-1 pit was mined with all waste used to backfill EE-3 and X-3 pits. Finally Z-2 was mined with all waste used to complete backfill of EE-3 and X-2 pits. Before beginning backfilling Z-2 pit, the Tribes informed the Companies not to backfill Z-2 and to leave the pond for livestock watering. The Companies complied and built an access road down to the pond on the southeast side of the pit. Reclamation of the Group 2 and EE-3 pits was completed in accordance with the respective approved mine plans.
- 2.) This comment really applies more to the T-2 pit (the eastern area that has been backfilled is the Y pit area). The T-2 pit was the last pit mined in Group 2 and the mine

plan states that the pit would remain open. The comment notes that filled sloped into the north (northwest) side of the pit has eroded and that vegetation has not been reestablished. The Companies will horizontally rip and seed the northwest fill area of the T-2 pit.

- 3.) During a visit to the mine site on April 8, 1997, Company representatives walked along the haul road out to the Z/Y/T pit area, but did not note steep road cuts in this area as stated in the comment. The BLM/BIA will need to specify the road cuts of concern so the Companies can evaluate options.
 - 4.) During a visit to the mine site on April 8, 1997, Company representatives observed the east opening of the culvert under the haul road out to the Z/Y/T pit area, but snow was covering the west side. However, water was flowing out of the open end of the culvert, indicating that the culvert is functional. Once the condition of the west end can be ascertained, the Companies will evaluate options.
- D. East Limb (Group 1, noted as Group 2 in the BLM/BIA draft report)
- 1.) During a visit to the mine site on April 8, 1997, Company representatives traveled the haul road out to the Group 1 area, and did note some areas of poor vegetation cover as stated in the comment. The Companies will work with BLM/BIA to identify areas where additional ripping and seeding are needed.
 - 2.) The W-2 pit was mined during 1968 through 1970. This pit is pre-NEPA and there does not appear to be a mine plan for this pit. There are no reclamation requirements for this pit.
 - 3.) The Companies have not had an opportunity to observe the dump (W dump or JJ/JA backfill) that is referenced in the comment. The Companies propose to visit this area with the BLM/BIA to evaluate options.
 - 4.) The Companies have not had an opportunity to observe the eastern side of mill shale pile #31. The Companies propose to visit this area with the BLM/BIA to evaluate options.
 - 5.) The Companies are not clear on the location of the notch (road cut?) referenced in this comment. The BLM/BIA will need to specify the notch referenced in the comment so the Companies can evaluate options.
 - 6.) The GG-3 and HH-3 mine plan was approved on 12/20/76 and the pit was mined during 1976 through 1979. The mine plan specifies that waste from the pit would be used to backfill FF-4 and GG-2 pits, as was done. As stated in the amended mine plan (4/15/75), GG-3 and HH-3 were the last pit in the sequence and were not to be backfilled. However, BLM inspection reports from 1989-1990 document that some backfill from other Group 1 pits was utilized to partially backfill these pits, which is more than required in the approved mine plan.

- 7.) The Companies will repair (fill) the sinkhole in the haul road between HH and OO allotments.
- 8.) The Companies believe this comment refers to the BB-3 and BB-4 pit. The BB-3 mine plan was approved in March 1972 (modified August 1975) and the pit was mined during 1972 through 1974. The mine plan specifies that waste from the pit would be used to backfill DD-4 pit to the south, and AA-1, AA-2, AA-3, AA-5, V-1 and V-2 pits to the east, as was done. Waste material from BB-4 was placed in BB-1 and BB-2 to the north and BB-3 to the south and these areas were reclaimed. The modified mine plan (August 1975) stated that waste from the OO and II allotments would be placed in BB-3 and BB-4, as was done, but BB-3/BB-4 was not completely backfilled. Reclamation of the BB-3 pit was completed in accordance with the approved mine plan and modification.
- 9.) Plugging the channel will not be effective. Natural drainage will continue to erode channels in this area until a primary channel is established. There is no reasonable alignment to divert the drainage around BB-3 pit.
- 10.) The Group 1 ore reserves were mined as a series of pits in the following order: II-3, OO-3, OO-4, NN-2, AF-1 and U-4. The mine plan for AF-1 and U-4 pits was approved on 9/21/78 and the AF-1 and U-4 pits were mined during 1987 through 1992.

A comparison of the percent backfill stated in the mine plan and the estimated actual percent backfill is summarized below:

<u>Pit</u>	<u>Plan percent backfill</u>	<u>Estimated Actual percent backfill</u>
II-3	50-60	90
OO-3	90-100	90
OO-4	80-90	50-60
NN-2	60-70	40-50
AF-1	50-60	30-40
U-4	0	10-20

In addition to backfill in Group 1 pits as shown above, waste from the Group 1 pits was used to completely backfill II-1 and BB-2 pits (pre-NEPA), and some waste was used to partially fill BB-4 and GG-3/HH-3 pits. Reclamation maps shown that a highwall would remain around the NN, AF and U pits. The Companies constructed a berm around the north and west side of these pits as a safety measure at the request of the Sho-Ban Tribes. The Companies also covered (backfilled) a pond in the bottom of these pits in 1993 at the request of the Sho-Ban Tribes. Final ripping and seeding of the Group 1 pits was contracted to Tribal construction and completed in late spring of 1994. Reclamation of the Group 1 pits was completed in accordance with the approved mine plan.

E. South 40 Area

- 1.) Plugging the channel will not be effective. Natural drainage will continue to erode channels in this area until a primary channel is established. There is no reasonable alignment to divert the drainage around JG pit.
- 2.) The Companies have not had an opportunity to observe the gullies reportedly present on the west face of JG dump. The Companies propose to visit this area with the BLM/BIA to evaluate options.
- 3.) The Companies will repair (fill) the sinkhole in the haul road near JG pit.
- 4.) The JD-2 pit (South 40) mine plan was approved 10/27/86 and subsequent modification approved 10/1/91. The South 40 mine plan states that waste from JD-2 pit will be used to backfill JC-1 pit to the north and JF-1 pit to the south and JD-2 pit will be left open (no backfill), as was done. The JD-2 modification plan (approved 10/1/91) reduced the backfill quantities to JF and JC pits as shown on the approved mine plan map. A letter from the Tribes dated 9/26/91 approved the JD pit modification and stated that the modification will cause less impact than the original plan. Reclamation of the South 40 pits was completed in accordance with the approved mine plan and modification with the possible exception of leaving backfill at angle of repose slopes at the north and south ends inside JD pit. In order to address this area, the Companies will grade (flatten to 3:1 slope), rip and seed the waste piles in the bottom of JD pit (north and south ends).
- 5.) During a visit to the mine site on April 8, 1997, Company representatives observed the culverts at the haul road crossing of Willow Creek. The culverts are functional and do not appear to be blocked. Upon completion of mining operations in this area, the haul road and culverts were left in place with fill over the culverts not exceeding 20 feet, per a letter from O'dell Frahdsen of BLM (dated June 27, 1986). However, in the absence of notification that the road will continue to be used, the Companies are willing to remove the Willow Creek culvert and create a rock-lined channel. This will eliminate further use of the road.

F. Other Considerations

- 1.) The Companies will eradicate weed infestations that are identified in reclaimed/revegetated mine pit, dump and haul road areas; however, the Companies are not responsible for weed control along permanent roadways (Baker Canyon Road). Weed control on the permanent roads is the responsibility of the road maintenance agency.
- 2.) As stated above, the vast majority of haul roads have been successfully reclaimed. The proposed requirement for water bars was never articulated to the Companies prior to or during reclamation of haul roads when installation of water bars would have been relatively easily accomplished. At this point, significant damage to prior reclamation will result from re-disturbance of vegetated haul roads. The Companies strongly suggest that water bars be installed only where significant erosion of reclaimed roads by runoff

has been observed, and will work with the BLM/BIA to address specific areas suffering excessive erosion.

- 3.) As stated above, the Companies agree to install a fence (3-strand barb-wire) along the south and east side of A-12 pit and the east highwall of C-9 pit. These are the only areas identified in the BLM/BIA report that require fencing. The electric fence around the landfarm area will be maintained until vegetation has been reestablished.
- 4.) As stated above, the Companies will fulfill the agreement with the Tribes with respect to the park.
- 5.) The Companies agree to reestablish survey control points and monumentation where needed.
- 6.) The Companies agree to conduct some reasonable follow up to monitor the success of re-vegetation. Two growing seasons following initial ripping and seeding seems reasonable, recognizing that most areas have already been successfully reclaimed for many years. This requirement will only apply to areas reclaimed after 1995, including areas to be reworked by the Companies during 1997.