



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Pocatello Resource Area

1111 N. 8th Ave.

Pocatello, ID 83201

In Reply Refer To:

3000

May 1, 1998

Mr. Arnold Appenay, Chairman  
Fort Hall Business Council  
Box 306  
Fort Hall, Idaho 83203

Dear Chairman Appenay:

Attached is a resolution for consideration by the Shoshone-Bannock Business Council, which is necessary to initiate reclamation activities associated with the Gay Mine. Also attached are the Gay Mine reclamation proposals submitted by Simplot and FMC Corporations (the Companies). Included in this same document dated July 1, 1997, is the collective direction from the Shoshone-Bannock Tribes, BLM and BIA concerning how each of the Companies proposals should proceed to be initiated.

As you are probably aware, the Companies reclamation proposals, along with the direction provided by the Tribes and the agencies (BLM and BIA) represents an effort that was started nearly two years ago. Recognizing that most of the reclamation proposals are seasonally constrained in the winter, it would expedite our 1998 reclamation efforts to receive Business Council approval of the attached resolution at the earliest possible date. The Companies have also expressed their motivation to get started as soon as possible with the on-the-ground phase of the Gay Mine reclamation.

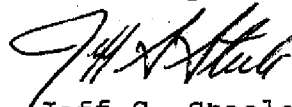
Although the Tribes and agencies have worked very effectively in the preparation and review of the reclamation recommendations and proposals for the Gay Mine, it is suggested the Business Council consider designating a representative(s) as a point of contact for the Tribes. Ideally, this representative(s) working jointly with his/her agency counterparts would; 1) oversee day to day reclamation activities, 2) assure compliance with applicable reclamation plans and 3) prepare recommendations to the Land Use Commission and/or Business Council as to the completion or needed amendment of specific reclamation plans or proposals. The Companies have also expressed the need for a focused point of contact with the tribes.

Also requested within the Resolution is approval of the report entitled "Status of Reclamation Compliance at Gay Mine". Although this report represents a comprehensive review of the reclamation status of the Gay Mine, it should be noted that issues associated with selenium contamination surfaced shortly after the field analysis for this report was completed. As the Pocatello Resource Area Manager it is my recommendation that the study and remediation of selenium toxicity for the Western Phosphate Field as a whole, be deferred to the Selenium Working Group.

At this point, I am extremely pleased at the progress we have made toward the final reclamation of the Gay Mine. We will also continue to work with the Companies on those remaining recommendations not fully addressed in the 1998 proposal. I would like to express my appreciation to the Land Use Commission members and those on the Business Council who have supported us in this effort.

If I can be of assistance in presenting the attached 1998 reclamation proposals to the Business Council, please let me know (ph. 236-6860).

Sincerely,



Jeff S. Steele  
Area Manager

Enclosures

cc: Tony Galloway Sr.  
Larry Bagley  
Hobby Hevawah  
Claude M. Broncho  
Rob Hartman  
Larry Raymond  
Dave Koehler  
Sam Hernandez  
Genevive Edmo  
Chad Colter  
Richard Thompson

## RESOLUTION

WHEREAS, FMC Corporation and J.R. Simplot Company ("the Companies") have submitted their reclamation proposal for the Gay Mine for the summer and fall of 1998. The Companies proposal has been reviewed by members of the Land Use Policy Commission, Fort Hall Business Council and representatives of the Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA). The Companies 1997 reclamation proposal and response from the Shoshone-Bannock Tribes, BLM and BIA is attached to this resolution and is now being submitted for consideration and approval by the Fort Hall Business Council, and,

WHEREAS, F.A. (Sam) Hernandez has been continually involved as the representative for the BIA and Richard D. Thompson has acted on behalf of the Land Use Policy Commission on matters involving the Gay Mine reclamation, and,

WHEREAS, BLM and BIA staffs have prepared a Final Report entitled STATUS OF RECLAMATION COMPLIANCE AT THE GAY MINE, now,

THEREFORE, BE IT RESOLVED BY THE BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES, that the Companies be notified and directed by BLM to proceed with the 1998 reclamation of the Gay Mine consistent with the provisions and direction provided in the Gay Mine Reclamation Proposal dated July 1, 1997 (attached). Authorization is also given to the BLM and BIA to proceed with the coordination and follow-up actions described in the July 1, 1997, reclamation proposal, and,

BE IT FURTHER RESOLVED, that F.A. (Sam) Hernandez and Richard D. Thompson will act as representatives on behalf of the BIA and the Land Use Policy Commission of the Shoshone-Bannock Tribes as points of contact for the Companies in regard to the proposed 1998 Gay Mine Reclamation activities, and,

BE IT FURTHER RESOLVED, that the Final report entitled STATUS OF RECLAMATION COMPLIANCE AT THE GAY MINE be approved and adopted by the Fort Hall Business Council. This report shall be used as the basic source document from which to negotiate and assess the final reclamation of the Gay Mine.

Authority for the foregoing resolution is found in the Indian Reorganization Act of June 18, 1934 (948 Stat. 984), as amended, and under the Constitution and Bylaws of the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho; and under the inherent regulatory power of the Tribes over off-Reservation treaty hunting and fishing rights, as reserved in the 1868 Fort Bridger Treaty, and as implemented in the 1975 Tribal Game Code, as amended.

Dated this \_\_\_ day of May, 1998.

\_\_\_\_\_  
Chairman Arnold Appenay  
Fort Hall Busuiness Council

SEAL

#### CERTIFICATION

I HEREBY CERTIFY, that the foregoing resolution was passed while a quorum of the Business Council was present by a vote of \_\_\_ in favor ( ), \_\_\_ opposed ( ), \_\_\_ absent ( ) and \_\_\_ not voting ( ) on the date this bears.

\_\_\_\_\_  
Tribal Secretary Darrell Shay  
Fort Hall Business Council

**1998 GAY MINE RECLAMATION PROPOSAL  
JULY 1, 1997**

**FMC Corporation and J.R. Simplot  
Company Proposed 1998 Reclamation**

**Sho-Ban Tribes, Bureau of Land  
Management, and Bureau of Indian  
Affairs Responses**

Reclamation work planned by FMC Corporation and J.R. Simplot Company ("the Companies") initially for the summer/fall of 1998:

1. The Companies will complete general cleanup around office, tipple 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, tipple, box car, water tanks) that are currently standing to remain intact.

Response: If the two shovels are not removed in an expedient manner, can the tribe assume ownership? We need a final resolution on which structures will or will not remain intact. Rob Hartman from FMC will follow up on specific contingencies involving reclamation of the office and tipple site area. Concern was expressed by Councilman Farmer that in reviewing which buildings should be removed, the tribes should be farsighted in looking at potential uses for this area. He indicated that this area may have some potential as a winter sports (e.g. cross country skiing) training or recreation facility, and the remaining structures should be looked at with opportunities such as these in mind.

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 reference herein.

Response: The road to the "Land Farming" area may need to remain open. Noting this exception the proposed reclamation in item 2 is accepted.

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.

Response: This reclamation should be phased in after access is no longer needed for reclamation or for other purposes. Some of the berms blocking old roads need to be reestablished. Additionally, the main road to the mine may require some repairs (additional gravel base) where soft spots or "blow out" areas are occurring.

4. The Companies are willing to install fencing (3-strand barb-wire) along the south/east highwall at A-12 pit.

Response: Fencing needs to be evaluated. Four strand, "buck and pole" or berming along certain parts of the A 12 Pit highwall. Tribes will follow up with a final recommendation.

**1998 GAY MINE RECLAMATION PROPOSAL**  
**JULY 1, 1997**

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.

Response: Sho-Ban/BLM/BIA follow-up required. Land status (allotted or unallotted) needs to be determined and a recommendation from the Tribes on closure of the pit needs to be made before rehabilitation can proceed.

6. Continue/complete landfarming, including addition of minor additional oil-stained soil from small area east to tipple where equipment was salvaged.

Response: Proceed as proposed.

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 fo C-9 pit.

Response: Type of fencing along the east highwall of the C-9 pit needs to be evaluated in relation to human activities and livestock use in the area (same as item 4). With the exception of fencing the Companies may proceed with proposed reclamation of the C-8 dump.

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 1998, 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.

Response: Remove the shack, but the powder magazine shall be left intact. The Tribes will follow up on maintenance, future use of the structure and an evaluation of its present contents.

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.

Response: This will require BLM to update/amend the present map (if needed) on mill shale stockpiles as a follow up item. The Companies may proceed with this reclamation as proposed.

10. The Companies agree to remove and salvage or dispose of the fencing remaining from the old test plot near the R pits.

Response: Proceed as proposed.

11. The Companies will horizontally rip and seed the northwest fill area of the T-2 pit.

Response: Proceed as proposed.

**1998 GAY MINE RECLAMATION PROPOSAL  
JULY 1, 1997**

12. The Companies will repair (fill) the sinkhole in the haul road between HH and OO allotments.

Response: Proceed as proposed.

13. The Companies will repair (fill) the sinkhole in the haul road near JG pit.

Response: Proceed as proposed.

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).

Responses: It is presently understood that the Companies will conduct a review of the final approved mine plan for the JD pit. Dependent on the findings of the review, the Companies may reformulate their proposal for the JD pit. Field review (BLM, BIA and the Tribes) of the present reclamation status of this area concluded that further work needed to be completed.

15. The Companies will remove the Willow Creek culvert and create a rock-lined channel. This will eliminate further use of the haul road.

Response: The Companies may proceed as proposed. Sho-Ban Tribes need to identify alternative access routes if need in this area prior to elimination 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).

Response: Permanent roadways need to be initially treated at least once to assure these areas do not provide a seed dispersion source. BIA will follow up with the necessary coordination to assure treatment along permanent roadways.

17. The Companies will fulfill the agreement with the Tribes with respect to the park.

Response: Site plan needs to be developed before the Companies can proceed with this item. BLM will coordinate with the Tribes in the development and approval of a site plan. FMC needs to provide a cost target prior to the development of a site plan (we understand this was previously negotiated).

**1998 GAY MINE RECLAMATION PROPOSAL**  
**JULY 1, 1997**

18. The Companies agree to reestablish survey control points and monumentation where needed.

Response: BLM needs to follow up with cost estimates for a reimbursable agreement. The Companies have also agreed to review their records for any pertinent survey information.

19. The Companies agree to monitor the success of revegetation for two growing seasons after seeding.

Response: Revegetation needs to be monitored until successful. BLM will follow up with criteria to determine when an area has been successfully revegetated.

20. Conduct surface water sampling and analysis (pit water and streams) for potential selenium (spring and fall 1997).

Response: Water sampling needs to include selenium and other potential contaminants. The companies shall also conduct water sampling consistent with guidelines developed by the Selenium Working Group.

GAY MINE

GRASS SEED MIX "B"

LOT NO. CB-1265

<u>PLS. LBS./AC.</u>	<u>KIND</u>	<u>PURE SEED IN MIX</u>	<u>GERM.</u>
6 lbs.	Fairway Crested W.G.	15.25%	90%
6 lbs.	Greenar Intermed. W.G.	15.07%	91%
5 lbs.	Luna Pubescent W.G.	12.42%	92%
2 lbs.	Sodar Streambank W.G.	5.21%	88%
2 lbs.	Magnar Basin Wild Rye	5.26%	87%
2 lbs.	Ranger Alfalfa Innoc.	5.15%	89%
10 lbs.	Eski Sanfoin	28.21%	81%
2 lbs.	Delar Small Burnett	5.15%	89%
1 lb.	Antelope Bitter Brush	2.67%	86%
1/2 lb.	Saskatoon Service Berry	1.31%	88%

OTHER CROP: 0.87%

INERT MATTER: 3.27

WEED SEED: 0.16%

SEEDING RATE: 43.80 Bulk Pounds to Supply 36.5 P.L.S. Pounds

BAG WT. 50 lbs. NET

P.O. NUMBER: 55092

BLENDED BY: GRASSLAND WEST COMPANY

CLARKSTON, WA. 99403

(509) 758-9100

# Status of Reclamation Compliance at Gay Mine

Fort Hall Agency, Idaho  
July 1997

Attached to original May 1, 1998 BLM letter  
but not included again in this file

Prepared by:

David A. Koehler  
Bureau of Land Management  
Idaho State Office, Boise, ID

and

F.A. Sam Hernandez  
Bureau of Indian Affairs  
Ft. Hall Agency, ID

At the request of:

Jeff Steele, *Pocatello Resource Area Manager*  
Bureau of Land Management  
Pocatello, ID

and

J. David Brunner, *Deputy State Director*  
Bureau of Land Management  
Boise, ID