

**RECORD OF DECISION
NORTH RASMUSSEN RIDGE MINE**

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PROVIDING RECOMMENDATIONS TO BLM**

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
CARIBOU-TARGHEE NATIONAL FOREST**

AND

IDAHO DEPARTMENT OF LANDS

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RECORD OF DECISION NORTH RASMUSSEN RIDGE MINE

INTRODUCTION

On November 19, 2001, The Bureau of Land Management (BLM) received a detailed mine and reclamation plan from Nu-West Industries, Inc., doing business as Agrium Conda Phosphate Operations (hereafter referred to as Agrium). Agrium has proposed to extend the existing mining operations at South and Central Rasmussen Ridge beyond currently approved operations and northward along the ridge onto lands administered by the U.S. Forest Service (USFS) and Idaho Department of Lands (IDL) and (hereafter, referred to as the North Rasmussen Ridge Mine). The proposed North Rasmussen Ridge Mine and Reclamation Plan would extend operations northwest from the presently permitted Central Rasmussen Ridge Mine to the non-permitted areas within Federal Phosphate Lease I-04375 and onto adjacent Federal Lease I-07619 within the Caribou-Targhee National Forest. Lease I-04375 contains 920 acres, and Lease I-07619 contains 437 acres. Lease I-04375 is totally located on the Caribou National Forest and 200 of the 437 acres of Lease I-07619 are located on Caribou National Forest land. The remaining 240 acres of Lease I-07619 are located on state land. In addition, a small strike length of the ore deposit located on the northeast corner of Section 16, T6S, R43E of the Boise Meridian (Idaho mineral lease number I-7957) was held by P4 Production, LLC. Agrium acquired the mineral rights for this lease and the IDL has reissued this lease as Agrium State Lease Number 9313.

Authority to administer minerals management functions on Federal and Indian lands was transferred from Minerals Management Service to the BLM in 1983. The BLM has overseen mine and reclamation activities on the Federal phosphate leases at Rasmussen Ridge since that time.

The purpose of the Proposed Action under consideration is to recover phosphate ore reserves contained within North Rasmussen Ridge and ship it via railroad to their Conda Phosphate Fertilizer Plant located north of Soda Springs, Idaho. The Proposed Action is needed to continue an economical supply of ore feedstock from their Federal mineral leases to their plant which produces phosphate based fertilizer to help meet demands in the United States.

The North Rasmussen Ridge Mine is located in Caribou County, Idaho approximately nineteen air miles northeast Soda Springs, Idaho. Mining described in the Proposed Action would result in additional site disturbance of 269 acres, of which 197 acres would be reclaimed.

After reviewing the North Rasmussen Ridge Mine plan, the BLM and USFS determined that an Environmental Impact Statement (EIS) should be prepared to review the mining plan and develop site-specific impact mitigation measures. This determination was made in light of significant new information that had recently become available on potentially significant impacts related to selenium and other contaminants contained in mine overburden while mining phosphate deposits. Also, a change in circumstance occurred on March 21, 2000 when the Canada Lynx (*Lynx canadensis*) was listed as "threatened" under the Endangered Species Act.

As the designated agency responsible for minerals management functions on Federal lands, BLM has assumed the role of lead agency responsible for the EIS. The BLM has prepared this Record of Decision (ROD) to document the agency's decision on appropriate land use authorizations for Agrium's proposal. Regulations at 43 CFR 3520.2 direct BLM to "consult with the agency having jurisdiction over the lands with respect to the surface protection and reclamation aspects" of a mine and reclamation plan. In this case, the land surface is managed by both the USFS and IDL. For this reason, the USFS and IDL have participated in preparation of the EIS as cooperating agencies and have provided recommendations to the BLM related to this ROD.

The scope of the EIS was set by and coordinated with other ongoing and planned efforts by the BLM, Agrium, USFS, IDL and other Federal and State agencies to study the effects of selenium and other metals related to existing mining disturbances. The intent of this coordination was to comply with existing inter-agency agreements which call for ensuring efficiency and reducing duplication of efforts in studying these impacts.

A Draft EIS (DEIS) on the proposed North Rasmussen Ridge Mine was prepared and released to the public in March 2003. The DEIS analyzed the environmental impacts from three (3) alternatives: two (2) action alternatives - the Proposed Action, Alternative 1, and; the No Action Alternative. These alternatives are briefly described below and are described in greater detail on following pages of this ROD:

Proposed Action

The Proposed Action includes recovering phosphate ore using open pit mining techniques standard to other mines operating in Southeast Idaho. Under the Proposed Action, the previously mined pit in Central Rasmussen Ridge would be totally backfilled with overburden from North Rasmussen Ridge. In North Rasmussen, Panel A (the southern half of the Proposed Action) and the northern half of Panel B would be totally backfilled and reclaimed. Overburden containing seleniferous shale would be placed in the lower regions of the backfilled areas. The backfilled pits would be capped with 8 to 10 feet of chert and limestone and top covered with a layer of 2 to 3 feet of growth media with very low values of extractable selenium to promote proper vegetation growth. The southern half of Panel B would be partially backfilled with limestone and

top covered with 2 to 3 feet of growth media. The total disturbance associated with the Proposed Action would total 269 acres.

In response to comments received on the DEIS from agencies and the public, BLM and Agrium have developed additional mitigation measures and monitoring plans to further reduce and monitor impacts related to selenium and other constituents of concern to surface and groundwater, and from vegetation uptake from reclamation soils. The Proposed Action in the Final EIS (FEIS) forms the basis of this ROD.

Alternative 1 - Proposed Action with Impermeable Capping of Backfilled Areas

This alternative is similar to the Proposed Action except that Agrium would construct a layer of impermeable (low permeability) material between the seleniferous waste and the applied growth media to minimize potential effects of water that could infiltrate into the backfill. In Alternative 1, an additional 26 acres of disturbance in the form of an external waste rock dump would be required to reduce the overall slope of the backfill to insure slope stability associated with the placement of the impermeable layer. Capping material would be accomplished with either clay from a quarry area or from a synthetic liner. If clay were to be used, an additional 25 acres of disturbance would likely be required to either generate a quarry for capping material or for preparation material to install the synthetic liner. Total disturbance for Alternative 1 would total 320 acres.

Alternative 2 - No Action Alternative

The No Action Alternative would exclude any further disturbance at North Rasmussen Ridge. The 35-acre final pit located in Central Rasmussen would remain as an open pit.

Alternatives Considered, but Eliminated From Detailed Evaluation

Seven other alternatives were considered and eliminated from further detailed analysis because they were not considered to be reasonably practical or feasible.

The FEIS describes the components of, reasonable alternatives to, and the anticipated environmental consequences of activities associated with mining North Rasmussen Ridge, as required by the National Environmental Policy Act (NEPA) of 1969. During preparation of the FEIS, the Agencies considered comments received on the DEIS and consulted with a number of Federal, State and local agencies. The FEIS was released to the public on August 1, 2003.

DECISION

The Selected Alternative in this ROD is the Proposed Action as described in the FEIS. Additional mitigation measures and monitoring requirements are to be required as described in the appendices of the FEIS and in the *Mitigation Measures and Monitoring Requirements* section of this ROD. As a component of the Selected Alternative, I am also authorizing BLM to proceed with processing two enlargements (lease modifications) totaling 20 acres adjacent to the existing Federal mineral lease to accommodate the pit design of Panel A and to aid in maximum ore recovery within that panel. The Selected Alternative was also designated by the Agencies as the Preferred Alternative in the FEIS. This represents application and adoption of all practical means to avoid or minimize environmental harm from the Selected Alternative (40 CFR 1505.2c).

In reaching this decision, I have reviewed the North Rasmussen Ridge Mine FEIS, including the analysis of effects by alternatives and mitigation measures. The following were also considered: comments and responses received during the project scoping period and on the DEIS; anticipated environmental consequences discussed in the EIS; letters received during the FEIS 30-day availability period; and applicable laws, regulations, and policies. Further, I have carefully considered the recommendations of the Caribou-Targhee National Forest Supervisor, who is the official responsible for management of lands within the Caribou-Targhee National Forest and the Area Supervisor for Idaho Department of Lands. Both the Forest Supervisor and the IDL Area Supervisor recommended selection of the Proposed Action and appropriate site-specific conditions of approval as contained in the *Mitigation Measures and Monitoring Requirements* section that follows.

Alternatives Fully Evaluated in the EIS

Issues raised during public scoping, and during public and agency review of the Proposed Action as described in the EIS were used to identify potentially significant impacts that could result from the Proposed Action. In general, the potential effects that were evaluated include: mobilization of selenium and other contaminants to surface and groundwater resources; physical and potential contamination impacts to soil, vegetation, wildlife, livestock, wetlands, aquatic habitats, threatened, endangered and sensitive species; disturbance of watersheds, visual resources, and topography; disruption to public travel and transportation; and impacts to cultural, recreation, and wilderness resources. Consideration was also given to Native American concerns and environmental justice. These effects and other public scoping issues were used to help revise the Proposed Action and alternatives before and after completion of the DEIS, and to formulate alternatives to the Proposed Action.

Three (3) alternatives were carried forward for full evaluation in the FEIS: The Proposed Action, Alternative 1 (Capping Alternative), and Alternative 2 (No Action Alternative). The two alternatives represent a range of reasonable alternatives to the Proposed Action. Other alternatives such as underground mining, continuous mining from south to north, continuous mining from north to south, complete backfill mining, exposed pit crotch, west side haulage road, all cut pit access ramp, and no pit backfill were considered but dismissed from detailed consideration because of practicality or feasibility concerns or benefits that were not substantially different from the alternatives considered in detail (see Chapter 2 of the DEIS). Two additional proposed alternatives were identified in the comments from the DEIS. Letter 8, comment M of the FEIS suggested installation of pumps in the partially backfilled pit to remove precipitation accumulations and prevent infiltration of water through the backfilled material. This alternative was dismissed because of pump operation and maintenance that would continue in perpetuity. Furthermore, if the pumps were discontinued, the enhanced or expanded wetlands in the West Fork of Sheep Creek would likely be diminished causing removal/reduction of wetlands that would be against Federal policies. Letter 10, comments A and B of the FEIS suggested analysis of other ore bodies to supply feedstock for Agrium's Conda Fertilizer Plant. Agrium must make its own economic decisions as to how best to feed the fertilizer plant. The BLM received a proposed plan of operations to mine a valid and existing lease held by Agrium for the North Rasmussen Ridge reserve. It is the agencies responsibility to respond to this request and either approve the plan of operations as proposed, modify the mine plan with alternatives, or disapprove the operations with the No Action Alternative. As such, a comparative analysis of the cost or other environmental factors of mining North Rasmussen Ridge with other viable phosphate reserves is not within the scope of this analysis. The fundamental question to be decided by this NEPA analysis is not how the fertilizer plant will be fed, but if the North Rasmussen Ridge reserve will be mined at this time.

Proposed Action

The proposed mining operations would consist of two open pits - Panels A and B, associated haulroads, a growth media stockpile, mine equipment parking area, and numerous runoff/sediment control facilities. The disturbed area associated with mining the proposed North Rasmussen Mine would total 269 acres. Included in this figure are 198.7 acres of open pits, 46.8 acres of haulroads, 1.2 acres for an equipment staging area and fresh water well for filling water trucks for dust suppression, 1.7 acres for water management structures, and 20.8 acres for temporary growth media storage.

Mining activities within North Rasmussen Ridge would result in recovery of phosphate ore reserves that would be processed into phosphate fertilizers at Agrium's Conda Phosphate Plant located north of Soda Springs, Idaho. Under the Proposed Action, approximately 70 million tons (MMT) of ore and overburden would be removed during the Proposed Action.

Mining operations at Agrium's Rasmussen Ridge Mine currently include drilling, blasting, loading, and hauling of ore and overburden using a shovel and truck fleet; the Proposed Action would continue those operations. Mining would proceed sequentially by opening individual mining pits along the trend (strike length) of the Phosphoria Formation outcrop until the end of Panel A. Mining would proceed into Panel B for a strike length of approximately 1000 feet, then, skip to the northern end of Panel B to mine the Reese Canyon portion of the pit to terminal depth. After the Reese canyon area has completely been mined out and reclaimed, mining would resume at the southern end of Panel B where operations were previously curtailed to mine Reese Canyon. The reasons for mining Reese Canyon prior to mining the central portion of Panel B are two-fold: 1) to insure that the critical surface features in Reese canyon are properly backfilled and water drainages to Reese Canyon are re-established, and 2) the Reese Canyon area lies within the Gravel Creek Road viewshed and, therefore, should be properly mitigated. The last area to be mined would be the center portion of Panel B. This area is the highest in elevation and has the greatest distance between the floor of the pit and the regional water table. The central portion of Panel B would be partially backfilled with non-seleniferous limestone and capped with a layer of 2 to 3 feet of growth media with very low values of extractable selenium to promote proper vegetation growth.

The reason for mining the central area of Panel B as the last panel and out of sequence along the strike length of the deposit was to place the partially backfilled pit at the highest possible elevation where run-on water could be controlled and pit ponds could be eliminated.

A best management practice (BMP) of selective handling of mine overburden would be used during the proposed operations (a BMP that Agrium is currently conducting at the Central Rasmussen operation). Waste overburden shales known to contain elevated concentrations of selenium (seleniferous) would be handled separately from other overburden. Low selenium content (blonde or light colored chert) and limestone would also be handled separately. This "blonde" chert and limestone overburden would be spread over the seleniferous overburden at a thickness of 8 to 10 feet in the backfill areas. A plan will be implemented to insure low seleniferous material would be used for the backfill cap zone. This thickness of chert and limestone cover is intended to protect the underlying seleniferous overburden shales from erosion and provide a capillary break to prevent upward migration of selenium and vegetative root penetration. Two to three feet of growth media will be spread over chert and limestone capping material prior to revegetation.

Water management would include temporary sediment ponds and culvert placements across ephemeral streams at No Name Creek and Reese Canyon. A Monitoring Plan for Surface and Groundwater is included in the FEIS. Stream Crossing Permits, as

needed, would be secured by Agrium from the Army Corps of Engineers (COE) prior to culvert installations.

Reclamation would be conducted concurrently with mining, and would closely follow completion of the backfills as outlined in the following sequence: shaping and contouring overburden; placement of the “blonde” chert and limestone cap material; spreading growth media over the chert and limestone surface; and seedbed preparation, seeding, and fertilizing.

Alternative 1 – Proposed Action with Impermeable Capping of Backfilled Areas

Alternative 1 was developed to address the issue of the potential for selenium to leach into the groundwater. As phosphate mining has developed in southeast Idaho, concern for groundwater contamination has led to the development of various BMPs to control potential selenium migration from the mines. An impermeable (low-permeability) cover over external waste rock dumps and over backfilled areas was perceived as a way to reduce infiltration into the materials and thus reduces the potential leaching of selenium from the materials. However, in EPA’s comments (see comment D of Letter 1 of the FEIS), the following reference to the effectiveness of an impermeable cap is made, “It makes little difference in the modeled water quality. This is because the amount of water infiltrating through the fully backfilled pit is relatively small to begin with (less than one inch per year) so the reduction does not make a significant difference in the overall end result.”

Additional disturbance associated with this alternative ranges between 26 and 51 acres (depending on the use of either a clay or synthetic liner). The additional acreage is due to the fact that a shallower slope is required to maintain a reasonable safety factor for slope stability. In addition, the cost to benefit of the clay or synthetic liner associated with the alternative range between \$9.7 to \$20.5 million dollars, adding substantial costs to minimal changes in contaminant concentrations in the end results over the Proposed Action.

Alternative 2 - No Action Alternative

The No Action Alternative would involve continued mining at the Central Rasmussen Ridge mine until all ore was recovered. A No Action Alternative would preclude mining or any associated development in any of the North Rasmussen Ridge areas at this time, would not provide the required ore for Agrium’s processing plant and would leave the mineral resource unusable.

The No Action Alternative would terminate mining at the conclusion of the last mining panel in the Central Rasmussen Ridge Mine and would leave a un-backfilled pit in that plan. Reclamation would proceed as outlined in the approved Central Rasmussen Ridge Mine Plan.

Under the No Action Alternative, Agrium's proposed detailed mining and reclamation plans for the development of the North Rasmussen Ridge Mine Plan would be delayed or precluded from mining in the future, pending suitable mine and reclamation plans.

Environmentally Preferable Alternative

The Council on Environmental Quality regulations at 40 CFR Part 1505.2 requires agencies to specify the environmentally preferable alternative. The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in Section 101 of the National Environmental Policy Act. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment and which best protects, preserves, and enhances historic, cultural, and natural resources.

Because mining is, by its nature, disruptive and impacts environmental resources in the mine vicinity, both in the short term and the long term, all of the action alternatives result in new disturbance, which may indicate that the No Action Alternative is the environmentally preferable choice. However, in the case of the Agrium's North Rasmussen Ridge Mine, the No Action Alternative would result in the following impacts for the foreseeable future, or until such time that an acceptable alternative mine and reclamation plan is approved by the BLM:

1. The planned open pit in the north portion of Central Rasmussen Ridge would not be backfilled and reclaimed to the extent as the partially backfilled pit in North Rasmussen Ridge. The Central Rasmussen Pit would hold seasonal runoff water that may become impacted by contaminants, such as selenium and other constituents that may be elevated above the cold water biota standards.
2. The north portion of the Central Rasmussen Ridge Mine would not be capped with limestone as planned in North Rasmussen Ridge. An adequate cap was never designed in the Central Rasmussen Plan to control selenium concentration in reclamation vegetation by covering exposed center waste shale exposed in the highwall or floor of the pit, thereby, limiting uptake of selenium through vegetation roots. Growth media was never planned to cover the pit bottom. Existing reclamation plans for Central Rasmussen Ridge, unless mitigated, would tend to accumulate selenium and other contaminants.
3. Ongoing groundwater quality impacts would occur down gradient of the last pit mined in Central Rasmussen Ridge unless totally backfilled, properly graded, capped with a low selenium chert/limestone capillary break with growth media placed to reduce permeability and promote evapotranspiration as planned in the proposed action of the North Rasmussen Ridge Mine Plan.

The Proposed Action has a smaller disturbance area footprint than Alternatives 1, but larger than the No Action Alternative. Both the Proposed Action and Alternative 1 would mitigate the existing impacts related to the Central Rasmussen Ridge Mine. Therefore, the No Action Alternative is a less environmentally preferable alternative with regard to any decision affecting either the Central or the North Rasmussen Ridge Mine.

The Proposed Action is predicted to result in a groundwater impact in concentrations greater than MCLs (maximum contaminant levels - the highest level of a contaminant that is allowed in drinking water) directly under the mined area for sulfate, TDS, antimony and manganese. Manganese (a secondary MCL) was the only constituent that showed a modeling plume extending beyond the lease boundary. Selenium, cadmium and aluminum would not exceed groundwater standards at any location that was modeled.

As mentioned in the North Rasmussen Ridge Mine Expansion Groundwater Quality Rule Clarification, the State of Idaho Department of Environmental Quality (DEQ) considers the active mineral extraction (AME) area to be those properties held in lease by Agrium or through special use permits granted to Agrium as defined by the "Active Mineral Extraction Area". For the North Rasmussen Ridge Mine this means that, while active mining is continuing, the Idaho Groundwater Quality Rule allows levels of naturally occurring contaminants to be released in groundwater at levels that exceed groundwater quality standards, if (1) the elevated levels are limited to the area specified by DEQ surrounding the AME and (2) Best Management Practices, Best Available Methods and Best Practical Methods approved by DEQ are applied. DEQ anticipates this project to comply with Idaho's Ground Water Rule (Refer to Appendix E in the FEIS).

The Proposed Action would result in the shortest time period of disturbance of surface natural resources of the two action alternatives. It would also expose seleniferous overburden to surface weathering and erosion for the shortest amount of time.

A BMP of selective handling of mine overburden would be used during the proposed operations. Waste overburden shales known to contain elevated concentrations of selenium (seleniferous) would be handled separately from other overburden. Low selenium content (blonde or light colored chert) and limestone would also be handled separately. This "blonde" chert and limestone overburden would be spread over the seleniferous overburden at a thickness of 8 to 10 feet in the backfill areas. As described below as an additional mitigation measure, a chert handling plan will be required and implemented to insure low seleniferous chert will be used for the backfill zone directly beneath the growth media cap. This thickness of chert and limestone cover is intended to protect the underlying seleniferous overburden shales from erosion and to provide a capillary break to prevent upward migration of selenium and vegetative root penetration. Two to three feet of growth media, which should encompass the root zones for all

grasses and shrubs, would be spread over the chert and limestone cover to complete the cap prior to revegetation.

The Proposed Action (with mitigation) would result in lower air pollutant emissions compared to the Alternative 1 because of less material handling. Agrium will continue to implement a dust suppression program as described in the DEIS with approval from BLM and as supplemented by the air quality permit pending with IDEQ.

Therefore, the Proposed Action which was identified as the Agency Preferred Alternative in the FEIS and is also the Selected Alternative in this ROD, is considered to be the environmentally preferable alternative.

Mitigation Measures and Monitoring Requirements (Conditions of Approval)

As a condition of approval of the North Rasmussen Ridge Mine Project, Agrium, or the current Federal lease holder, its employees, contractors, agents, assignees, and operators shall comply with the following mitigation and monitoring measures:

1. Agrium must abide by the mine and reclamation plan presented as the *Proposed Action* in the FEIS. As part of this requirement, Agrium must implement the monitoring and mitigation measures and the management practices (referred to as Best Management Practices) in the DEIS described in Chapter Two (description of the Proposed Action) and Chapter 4 (mitigation summaries) of the DEIS, and Appendix B (Surface and Groundwater Monitoring Plan), Appendix C (Vegetation Monitoring Plan), and Appendix D (Best Management Practices) of the FEIS. These monitoring and mitigation measures have been designed or incorporated to reduce, eliminate, and measure impacts to sensitive resources such as water, soil, vegetation, wetlands, wildlife, and fisheries identified in the DEIS. As new reclamation technology becomes available, Agrium may wish to incorporate them into their mining or reclamation practices. Prior to implementation, Agrium must get approval from the BLM and USFS in writing.
2. Agrium must prepare and submit the detailed plans listed below to the BLM within 60 days from the end of the appeal period of this ROD, which plans shall be at least as stringent as and include the requirements of the plans described in Chapter Two (Section 2.2.3) of the DEIS and Appendix B and C of the FEIS. Agrium must implement all such plans within 120 days from the end of the appeal period of the ROD, or 120 days from the Agencies' approval of each such plan, whichever is later, provided that Agrium will comply with the plans described in c, f and h below upon the commencement of mining activities. Proposed monitoring plans and activities must be adequate, as determined by the BLM and USFS, to measure impacts, judge effectiveness of mitigation measures, and determine compliance of mining activities with established requirements. The BLM may accept plans prepared or approved by other agencies, to fulfill, or partially fulfill this requirement.

Failure to submit suitable plans within 60 days (unless formally extended by BLM) from the end of the appeal period of the ROD, shall be sufficient for BLM to order a temporary cessation of the approved operations until such plans are received and determined acceptable by the BLM, and the USFS. BLM will consult with the USFS regarding the adequacy of all the plans. Immediately following agency approval of the above plans, Agrium will implement the plans and provide reports to the Agencies on an annual basis or as required below.

a. Final Surface Water and Groundwater Monitoring Plan – This plan shall be sufficient to assess project compliance with surface water and groundwater standards set by the Federal Clean Water Act, Safe Drinking Water Act, and/or applicable State of Idaho statutes and other goals and objectives listed in the North Rasmussen Ridge Mine Environmental Monitoring Plan (section 2.2.3 of the DEIS as augmented by Appendix B and C in the FEIS). Monitoring should be sufficient, as proven to the agencies, to assess the effectiveness of approved mitigation measures for the project. Once effectiveness has been demonstrated, monitoring requirements may be modified as determined appropriate by the Agencies.

Sampling frequency and groundwater and surface water monitoring sites to be monitored by Agrium will be determined in cooperation with the responsible agency (IDEQ) as outlined in that agency's approved Final Surface Water and Groundwater Monitoring Plan (Appendix B, Section 4.3 of the Surface Water and Groundwater Monitoring Plan the FEIS). In addition, BLM and Agrium have agreed to add a surface water station to monitoring any ponds that may form in the partially backfilled pit, a well in the backfilled portion of panel A, and a well on the west side of the partially backfilled pit. At a minimum, monitoring of surface water and groundwater shall continue for at least 6 years after reclamation has been completed. Exceedance of any standards identified during monitoring will be reported to the Agencies within 30 days of obtaining the results. The monitoring program will be evaluated biannually (every two years) as stated in the Surface Water and Groundwater Monitoring Plan in Appendix B of the FEIS.

b. BMP Effectiveness Monitoring Plan - Agrium will provide the land management agencies with an annual summary of the BMP's utilized on site (Appendix D of the FEIS) and a summary of their effectiveness supported by data. The data supplied will determine the effectiveness of the BMPs. If the BMPs are found to be ineffective, Agrium will initiate response actions approved by the Agencies.

c. Soil Inventory/Salvage Plan. - Prior to mining, Agrium will prepare plans to adequately determine suitability and volumes of soil and growth media materials to be salvaged and later used in reclamation activities. In addition, the plan should include a method to determine selenium content in undisturbed soil to gauge suitability of salvaged soil for use in reclamation activities. It is

recommended that Agrium follow the soil salvage “Interim Guideline” (or the most current revised USFS guideline) for selenium content as described in Guidelines for the Salvage of Topsoil and Shale Used to Reclaim and Provide a Seed Bed for Phosphate Mine Reclamation, April 2, 2003.

d. Wetlands Monitoring Plan - Agrium will document wetland mitigation activities to ensure that mitigation measures required by the U. S. Army Corps of Engineers (COE) are implemented (Plan required prior to wetlands disturbance). For the wetland areas associated with North Rasmussen Ridge, detailed monitoring requirements will be established in concert with the COE and may include monitoring of the wetland’s hydrology, soil, and vegetation using specific success criteria

e. Wildlife Monitoring Plan - Agrium will plan and conduct monitoring of contaminant levels, population changes, and diversity in fish populations in No Name Creek, Reese Creek, and the West Fork of Sheep Creek downstream of the North Rasmussen Ridge mining area according to an appropriate plan approved by the agencies.

f. Cultural and Paleontological Resources Monitoring Plan – Agrium will document the avoidance of previously unknown prehistoric sites near Agrium’s mining activities using observation notes and photographic documentation of site condition, and report the occurrence of any vertebrate fossils exposed during mining. Agrium will also comply with any survey or mitigation requirements of the State Historic Preservation Officer prior to disturbance of the existing conditions.

g. Reclamation Vegetation Monitoring Plan – Agrium will coordinate with the USFS and BLM to assess reclamation vegetation success in meeting standards and goals including species composition, diversity, cover, and Contaminants of Potential Concern (COPC) bioaccumulation. Prior to success sampling, Agrium must submit a detailed protocol describing the methods and analysis procedures to be utilized. This plan must ensure and demonstrate that vegetation growing on reclaimed mine sites does not contain concentrations of selenium or other trace metals that may be harmful to grazing livestock or wildlife (i.e., that the reclamation vegetation meets the vegetation standards provided in Appendix C of the FEIS, or final regional or site-specific standards adopted by the USFS after the date of the ROD - see #7 below). Consideration will be given in the monitoring plan to identifying plant species that may be accumulating selenium. At a minimum, the completed reclaimed areas will be monitored each year for 7 years for identification of plant species and measuring plant cover by species. Any exceedance of vegetative standards will be reported to the Agencies within 30 days of obtaining the results.

h. Chert Handling Plan – Agrium will develop and conduct a chert handling program as a mitigation measure to be approved by the agencies to ensure that

light colored chert, with confirmed lower selenium levels, is used as the layer to be placed under the growth media cap. This plan will insure that low selenium chert is used for the 8 to 10 foot layer that will be placed, (under the reclamation plan), on top of all other back-filled overburden materials and immediately beneath the growth media cap. At a minimum, the Chert Handling Plan will include the following mandatory requirements:

- The chert consists of all the overburden above the upper ore, excluding the growth media.
- The chert elevation level to be utilized in the 8 to 10 foot layer under the growth media will be identified and scheduled in advance of mining in order to ensure the availability of light colored chert when needed.
- As soon as the level to be utilized is exposed and cleaned of other materials, shallow (1 foot deep) channel trenches will be cut perpendicular to the bedding layers.
- A qualified Agrium employee will drive in a stake at each bedding layer and collect a representative sample from each layer.
- Each sample will have an identification number, date, location (both in plan and elevation) and sample description. Each stake will have the corresponding sample identification number associated with it.
- The samples will be sent to a 3rd party laboratory for expedited analysis.
- When the sample analysis are received, Agrium will identify and mark which bedding layers can be used in the 8 to 10 foot layer under the growth media cap. The present USFS guideline of 13 ppm selenium for growth media will be utilized as a cutoff level for placement of chert capping material. Chert zones not meeting the acceptable criteria level will be treated similar to selenium waste shales and placed below the capping layer.
- The channel trenches will be placed at 500 foot intervals along the strike of the mined beds.
- Trained and qualified Agrium employees will conduct all sampling and staking related to the Chert Handling Plan.
- The appropriate Agencies will be notified in advance of all chert identified as capping material. Chert capping material staked and lab results associated with that material will be reviewed and verified by both Agrium's trained and qualified employees in conjunction with appropriate agency personnel prior to backfill capping placement.

3. Agrium must provide the land management agencies copies of their plans for conducting research on public lands. Agrium will promptly provide the BLM and USFS with copies of subsequent reports developed from data collected on Federal lands.
4. As part of their annual operations report to the BLM, USFS and other state and federal agencies, Agrium will provide a report of all the environmental monitoring data required to be gathered in the approved North Rasmussen Ridge Mine and Reclamation Plan (the general plan as well as site specific plans for South, Central and North Rasmussen Ridge Panels).
5. Reclamation seed mixes must be approved by the USFS for use on National Forest System lands at the Rasmussen Ridge site. Seed mixes proposed by Agrium may be subject to change pending completion of agency research projects on reclamation plant mixtures and administrative objectives. In an effort to achieve a post mine condition suitable for multiple use management, Agrium will work with the USFS to increase the bucket planting density and number of tree and shrub species used in reclamation activities. However, the potential for adverse impacts from selenium or other contaminant uptake into planted trees and shrubs will be considered prior to planting at reclaimed sites. A proposed reclamation seed mix and container plantings of native shrubs and trees is listed in the DEIS on Tables 2.2-4 and 2.2-4 (pg. 2-34 and 2-35).
6. Agrium will perform nutrient analysis on reclamation soils to ascertain the optimum soil fertilization type and rate to ensure success of reclamation plantings.
7. Reclamation on North Rasmussen Ridge must meet the standards for selenium in reclamation vegetation as stated in Appendix C of the FEIS. This requirement may be modified by a regional or site-specific reclamation standard adopted by the USFS after the date of this ROD. (A final standard for phosphate mine sites in Southeast Idaho may be developed in the future by the Federal land management agencies after additional study and public comment.) Established standards must be reached before the agencies will consider releasing the reclamation bond for the project.
8. Agrium will conduct testing (in addition to the monitoring described in #2a above) approved by the agencies to validate the predictive groundwater impact model used in the DEIS. Results from this further testing and modeling will be made available to the Agencies involved. Field monitoring such as drill holes in existing backfill will also be used, as applicable, to further validate the prediction model. Corrective actions may be required if results show a need to enhance environmental protection.

9. Prior to commencement of ground disturbing activities, an actual cost reclamation bond for the first year of reclamation costs will be required. Agrium will provide to the appropriate responsible Agencies information needed to complete an actual cost reclamation bond for the selected action and other associated activities on the remaining areas of existing or planned disturbance related to Rasmussen Ridge. The responsible Agencies will grant a sixty (60) day time period to Agrium to provide information to calculate the remaining portions of the actual cost reclamation bond. The amount of the bond will consist of the estimated actual cost to the government to reclaim disturbances created at the North Rasmussen Ridge Mine. The bond shall also include three months projected lease production royalties. Agrium will conduct a review and, if necessary, recalculation of the bond on an annual basis. Bond amounts will be estimated considering development and reclamation phases of the entire Rasmussen Ridge Mine project.
10. Agrium will provide the BLM and USFS with supplements (modified drawings, maps, and narrative) to the North Rasmussen Ridge Mine and Reclamation Plans that were previously submitted to the Agencies. The supplements must fully reflect the final Mine and Reclamation Plan activities approved in this Decision. The information on file with the agencies must meet requirements of 43 CFR 3592.1-3, [Mining Operations] Plans and Maps.
11. Agrium will inspect the reclaimed areas during each growing season for noxious weeds or undesirable plant species. Any of these undesirable species found will be controlled by measures approved by the surface management agencies.
12. Agrium must acquire and abide by the terms and conditions of all other permits and approvals from other Agencies with jurisdiction over the North Rasmussen Ridge Project.

Rationale and Management Considerations

This decision is one that involved a balancing of several considerations. The BLM is charged with promoting orderly and efficient mining operations and production practices without waste or avoidable loss of minerals or damage to deposits; to encourage maximum recovery and use of all known mineral resources; to promote operating practices which will avoid, minimize or correct damage to the environment - land, water and air - and avoid, minimize or correct hazards to public health and safety.

Non-renewable phosphate resource conservation and recovery as granted by legal lease rights previously purchased by Agrium from the Federal government were balanced with public interests, surface resources management, and responsible environmental protection. As the right and approval to mine the North Rasmussen Ridge phosphate deposit had previously been granted to Agrium, the decision on this

analysis is focused on selecting appropriate mitigation for environmental impacts from mining.

The right to mine carries with it the responsibility to ensure that mining operations include adequate and responsible measures to prevent unnecessary or undue degradation of the public land, compliance with other established requirements which include but are not limited to, the Federal Endangered Species Act, Migratory Bird Act, Federal Land Policy and Management Act, Clean Water Act, Clean Air Act, and the Idaho Groundwater Quality Rule and to provide for reclamation and post mine land uses. The right to mine is subject to review and approval of site-specific mine development plans, alternatives, and application of appropriate mitigation measures that address these requirements.

Some of the important considerations in reaching this decision are:

Degree to which the proposed mitigation measures reasonably minimize impacts to environmental resources;

Predicted effects of the Selected Alternative and other alternatives on groundwater and surface water quality in the area as compared to State and Federal requirements;

Ultimate maximum recovery of phosphate ore from the Federal leases, and;

The coordination and evaluation of impacts related to the environment in this EIS and with other ongoing studies by Agrium in conjunction with other State and Federal agencies.

The residual impacts to environmental resources are in impacts to groundwater quality, which became a major focus of the environmental impact analysis and mitigation planning. During the course of preparing and issuing the FEIS, extensive coordination and direction on groundwater quality compliance was obtained from the Idaho DEQ, which is the agency authorized to enforce groundwater protection requirements in the State of Idaho.

Once mitigation measures were added to the Proposed Action to decrease predicted impacts to groundwater quality, the action alternatives became somewhat functionally equivalent with respect to environmental impacts and predicted compliance with established requirements. Cost to implement each alternative then became a consideration in making the most reasonable decision.

Rationale - Proposed Action /Agency Selected Alternative

The BLM's Selected Alternative is the Proposed Action, as described in the FEIS. This alternative was also designated as the Agency Preferred Alternative in that document. The Agencies believe this alternative fulfills their statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors. The Selected Alternative results in a smaller acreage of disturbance, and consequent physical impacts to soils, vegetation, wildlife, and grazing as action Alternative 1, while allowing Agrium to potentially recover the same quantity of phosphate ore. The Selected Alternative results in less air emissions because less waste rock would need to be rehandled. The potentially shorter disturbance time frame of the Selected Alternative reduces the length of time that potential impacts may occur during physical disturbance of North Rasmussen Ridge.

The Selected Alternative and Alternative 1 both have equivalent reclamation plans and standards for reclamation. The Selected Alternative overburden rehandling and reclamation are less costly for Agrium to implement and less cost may allow greater utilization of the non-renewable phosphate mineral resource than the other action alternatives. Agrium will likely be able to mine longer in the North Rasmussen Ridge impact area before moving on to other potential mining areas.

The Selected Alternative and Action Alternative 1, although small, are predicted to have equivalent effects on both Reese Creek and West Sheep Creek stream channels, flow rates, erosions and sedimentation, and wetlands. Exceedences of MCLs of secondary standards for manganese occur in the modeling results for both action alternatives; however, background levels in surface and groundwater baseline samples taken prior to mining demonstrate similar results prior to disturbance. After considering the modeling used to derive these predictions, the BLM has selected the Proposed Action. The predicted effects on groundwater quality are based on conservative modeling and may be less than predicted and are localized within the mine area and are not predicted to impact surface resources or human health.

Selective placement of overburden deep within previously mined pits and the elimination of external waste rock dumps in conjunction with surface runoff management will reduce the potential for development of seleniferous seeps and will reduce the area of significant groundwater impacts from seepage through seleniferous overburden.

The BLM and the IDEQ realize that groundwater modeling is not an exact science. Modeling has been conducted utilizing reasonable, and in most cases, conservative parameters. The predictions made by the groundwater model utilize the best predictive techniques currently available to determine the location and levels of impacts. The general conclusion of the analyses is that groundwater impacts would not exceed applicable requirements. This conclusion is confirmed by the Ground Water Regulatory

Agency (IDEQ) in their letter dated June 30, 2003 (see Appendix E of the FEIS) that “DEQ anticipates this project to comply with Idaho’s “Ground Water Quality Rule”.

The selective handling of overburden would result in a minimum 8 to 10 foot thick limestone/chert cap over all areas of seleniferous overburden to prevent its long-term release to the environment through vegetative uptake, direct contact, or erosion. All disturbed areas would also be covered with 2 to 3 feet of native soil (growth media) for re-establishment of permanent vegetative cover. These and other management practices are expected to reduce to acceptable levels impacts to surface resources including soils, surface water, vegetation, wildlife, livestock grazing, visual resources, and recreational uses of the public land.

Many of the proposed mitigation measures and overburden drainage control design components for the Selected Alternative are relatively new to the southeast Idaho phosphate mining industry. I acknowledge that there is a certain risk in approving application of these new measures and allowing implementation. Little or no benefit was demonstrated between the Selected Alternative and Alternative 1 related to risk associated manganese in groundwater. Although equally predicted to be effective, Alternative 1 was much more costly and did not allow Agrium to be given a chance to respond to issues by applying principles of science and engineering to come up with successful, cost effective designs to operate in a competitive market while meeting the mandates of BLM to ensure that this project does not unnecessarily or unduly degrade the environment and comply with established requirements.

It is important that the BLM be able to monitor, assess and control the various components of the Selected Alternative for North Rasmussen Ridge in concert with the USFS and other responsible State and Federal agencies. For this reason, I am conditioning approval to include the extensive monitoring and reporting, Quality Assurance and Quality Control, and contingency planning explained in the Mitigation Measures and Monitoring Requirements section of this ROD and in the associated sections of the FEIS (Appendices B, C and D). This data will also provide useful data for the BLM and surface management agencies to use in evaluating future phosphate mining proposals in Southeast Idaho. If monitoring data indicates unacceptable impacts or that certain management practices are not as effective as anticipated, Agrium will take corrective action as directed by the authorized agency(s). These corrective actions will be triggered by immediate reporting of results and exceedances of established standards and the corrective actions will be determined as appropriate for the situation. This will allow the Agencies to ensure that the public good be met as well as accommodate the purpose and need of Agrium’s North Rasmussen Ridge mining proposal.

Rationale - Alternative 1 – Proposed Action with Impermeable Capping of Backfilled Areas

As seen from the above discussion, Alternative 1 exhibits little or no advantages over the Selected Alternative as shown in groundwater modeling. However, compared to the Selected Alternative, it would have increased the overall footprint of the mining disturbance by 51 acres (26 acres for an external waste rock dump and 25 acres for a borrow area to provide suitable capping material). Increases to collateral impacts associated with the additional disturbed acreage such as air quality, surface water, groundwater, wildlife, soils, vegetation, viewsheds, and extended mining durations associated with Alternative 1 makes this alternative less viable.

Alternative 1 was formulated to greatly reduce the potential contamination of downward flowing groundwater into the regional aquifer. Other BMPs such as proper slope grading by constructing convex dump faces, eliminating run-on water from entering backfill, and compacting layers of backfill close to the growth media interface were developed to greatly reduce the overall seepage of groundwater through run-of-mine overburden. (Refer to Appendix D in the FEIS).

In light of this information, it seems unreasonable to require an approach like Alternative 1 at this time.

Rationale – Alternative 2 - No Action Alternative

Under this alternative, additional impacts to surface resources associated with public land administered by USFS and BLM from the North Rasmussen Ridge Mine, Panels A and B would be precluded until such time as an acceptable Mine Plan could be approved. Adoption of the No Action Alternative would interrupt the phased development of the Agrium North Rasmussen leases until more suitable mitigation plans are approved by the Agencies.

The environmental impacts from the No Action Alternative include ongoing presence of the un-backfilled, open pit in Panel C of the present Central Rasmussen Ridge Mine. Potential groundwater impacts from Central Rasmussen Ridge Mine would continue with no mitigation. These impacts can be mitigated with continued phosphate mining in North Rasmussen Ridge which is part of the overall phased development of the Rasmussen Ridge leases previously approved by the Agencies.

This alternative does not address the nation's consumption and demand for phosphate rock and phosphorus based products. Because of this demand, implementation of the No Action Alternative would shift impacts from mining in the North Rasmussen Ridge Mine to other locations. As this area has already been affected by mining impacts, it is prudent to keep mining activities in the same vicinity of past impacts rather than transfer mining impacts to other, possibly un-impacted locations sooner than necessary.

The No Action Alternative is not in harmony with mineral lease development rights purchased by Agrium from the United States because reasonable and acceptable mitigation measures have been developed and incorporated into the Selected Alternative that are predicted to ensure that unnecessary or undue degradation does not occur to the environment. Agrium has invested a significant amount of time and expense in acquiring and holding their phosphate leases, exploring the deposit, and preparing a mine and reclamation plan that addresses ore recovery with due regard to protection of the environment. Should the No Action Alternative be selected at this time, Agrium would continue to revise the mine plans, with the likely result being mining in North Rasmussen Ridge at some later date. In the interim period, the Rasmussen Ridge Mine would likely have to needlessly shut down causing hardship to the employees, company, and the economy of the region.

Having a supply of minerals available for consumption by society results in trade-offs being made and accepting reasonable levels of environmental impacts. However, the impacts must not be unnecessary or undue and should be predicted to not exceed thresholds of applicable laws. It is my responsibility as the Authorized Officer for the BLM, who is charged with multiple use management, to ensure that these impacts are mitigated to acceptable levels. If they cannot be mitigated to acceptable levels, then mining is not an appropriate use of the affected lands.

I have decided that the predicted impacts associated with the proposed North Rasmussen Ridge Mine can be mitigated to reasonable and acceptable levels in the Selected Alternative. The Action Alternative - Selected Alternative and Alternative 1 are predicted to comply with established requirements, without unnecessary or undue degradation of the environment. The selection of the No Action Alternative is inappropriate at this time.

PUBLIC INVOLVEMENT

To allow an early and open process for determining the scope of significant issues related to the North Rasmussen Ridge Mine, (40 CFR 1510.7), the BLM and USFS provided a public scoping period. A Notice of Intent to prepare the EIS was published in the Federal Register on May 18, 2001. A scoping notice was published in the Caribou County Sun in Soda Springs, Idaho (May 24, 2001) and in the Idaho State Journal, Pocatello, Idaho (June 4, 2001) newspapers.

The public mailing list was compiled and 120 scoping letters were sent to interested individuals, agencies, and groups. Two public meetings were held. One meeting was held in Soda Springs, Idaho June 4, 2001 at the City Hall chamber room and the other in Pocatello, Idaho on June 5, 2001 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. Agency and consultant representatives were present.

By the close of the scoping period on July 5, 2001, three written responses and six comment forms had been received for the North Rasmussen Ridge Mine development. Two additional letters were received after the end of the scoping period and were considered as part of the scoping record. Issues contained in the scoping responses were incorporated and assessed in the EIS.

A DEIS was prepared and sent for review to individuals and organizations on the project mailing list and other government agencies. The DEIS was filed with EPA and a Notice of Availability published in the Federal Register on March 7, 2003. The DEIS was available for comment for 60 days. During the preparation of the DEIS, a mailing was sent to the entire North Rasmussen Ridge Mine EIS mailing list as to whether or not the recipients wished to receive a copy of the DEIS. The FEIS mailing list was revised based upon the response from this mailing.

Twelve comment letters were received on the DEIS. These letters were reviewed, a detailed content analysis completed, and a response to each substantive comment prepared. The comments and responses are contained in Appendix A of the FEIS and were used to assist in preparation of the FEIS.

BLM filed the North Rasmussen Ridge Mine FEIS with the EPA. EPA and BLM each published a Notice of Availability in the Federal Register on August 1, 2003. The FEIS was issued and released to the public just prior to that time. Legal notices announcing the availability of the FEIS were published in the Idaho State Journal (Pocatello, Idaho) and Caribou County Sun (Soda Springs, Idaho). The availability period for the FEIS was commenced on August 1, 2003 for a minimum of 30 days prior to this Record of Decision.

The BLM received comments on the FEIS from both the Greater Yellowstone Coalition on August 28, 2003, and from the Idaho Conservation League on August 29, 2003. Pertinent issues are addressed within this ROD. Generally, comments from both of these organizations focused on similar issues which are listed below:

1. Chert Cap Quality Assurance/Quality Control Plan
2. Monitoring plans for vegetation, groundwater and surface water.
3. Ground and surface water quality.
4. Air quality and an IDEQ "Permit to Construct" issues.
5. Consideration of Alternative 1, the "Clay or HDPE Liner Alternative" and Alternative 2, the "No Action Alternative".

Responses related to their comments are addressed throughout this ROD.

The BLM received an additional letter from the Idaho Conservation League on September 4, 2003 that reiterated several issues. These issues have been addressed in the DEIS, FEIS, and in this ROD and through recent correspondence with IDEQ.

Ashley Creek Mining Company also commented on the FEIS and maintains, "So long as the agency has the right it asserts to "disapprove the operation with the No Action Alternative", it is required to fairly discuss and compare economically reasonable alternatives for feeding the Conda plant which have lesser environmental impacts".

Ashley Creek failed to mention in their comments that previous investigations of the potential to purchase ore from Ashley Creek's properties have been performed by Agrium prior to the issuance of the DEIS. Those earlier findings disclosed that Ashley Creek's Utah lease reserves are completely undeveloped, have no mine plan, have no necessary permits or environmental studies, have no ore handling or beneficiation facilities, have no roads or transportation infrastructure and would require an extensive period of time and infusion of capital even to begin mining and shipment of ore. The status of those undeveloped reserves was described in detail in the recent court decision in Ashley Creek Phos. Co. vs. Chevron USA. Inc., 315 F.3d 1245 (10th cir. 2003), pet. cert. pending. As a result, those reserves would plainly not meet the purpose and needs of the proposed action. Furthermore, a letter received by Agrium from Mr. Archer dated April 15, 2002 indicated that the potential purchase of ore from Ashley Creek was not economically feasible in the short or long term to Agrium, and that Ashley Creek itself intended instead to exercise options on other more promising fronts.

In any event, BLM is not required under NEPA to perform a comparative economic analysis of Ashley Creek's and every other conceivable alternative phosphate ore deposit. BLM has properly fulfilled its duty under NEPA to consider and take a hard look at reasonable alternatives to accomplishing the properly identified purposes and needs of the proposed action. BLM is not required to evaluate alternatives that clearly do not meet those needs or that are remote and speculative.

One commenter requested that BLM require Agrium to apply to the Idaho Dept. of Water Resources (IDWR) for a water right in connection with Agrium's land disturbance activities in the upper reaches of the West Fork tributary of Sheep Creek, in order to help protect the commenter's 0.03 cfs water right located downstream on lower Sheep Creek, near the confluence of Lane's Creek. BLM has no authority to require such an application. As a legal matter, BLM understands, and IDWR has confirmed, that these land disturbance activities do not constitute the exercise of, and are not eligible to receive approval from the State for a water right under Idaho law. In addition, the water intercepted by mining activities in the upper reaches of the West Fork tributary of Sheep Creek will constitute only a minor percentage, 1.2%, of the total flows available downstream in lower Sheep Creek, so this small water right should not be materially impacted as a practical matter.

CONSISTENCY WITH LAND USE PLANS AND OTHER LAWS

My decision is consistent with established requirements including environmental protection requirements, specifically:

The Selected Alternative is subject to the *Revised Forest Plan for the Caribou National Forest* approved February 2003. The land use plan has been reviewed and a determination made that the proposed mineral development action conforms with the goals and objectives of the plan. The USFS has recommended selection of the Proposed Action (with mitigation) by letter dated August 19, 2003.

Mining in North Rasmussen Ridge is also subject to the BLM *Pocatello Resource Management Plan* approved January 8, 1988. This land use plan has been reviewed and a determination made that the Selected Alternative conforms with the plan's terms and conditions as required by 43 CFR 1610.5.

Endangered Species Act - The BLM has coordinated with the U.S. Fish and Wildlife Service (FWS). A Biological Assessment was prepared for the project which states, that implementation of the Selected Alternative and associated mitigation measures specified for the North Rasmussen Ridge Mine may affect but is not likely to adversely affect the Canada lynx and may affect but is not likely to jeopardize the continued existence of the gray wolf. The FWS acknowledged the conclusions of no affect for the bald eagle and the yellow-billed cuckoo as presented in the Biological Assessment. By letter dated June 21, 2003, the FWS has concurred with the Biological Assessment in their Biological Opinion (Appendix F of the FEIS), thus, the project has met the requirements of the Endangered Species Act.

Migratory Bird Treaty Act - The Selected Alternative is not expected to violate any provisions of the Migratory Bird Treaty Act.

Federal Lands Policy and Management Act and Land Use Plans - This decision has been reviewed for compliance with land management agency policies, plans, and programs. The Selected Alternative is in conformance with the direction for mineral development contained in the BLM Pocatello Resource Management Plan, 1988 and the Revised Forest Plan for the Caribou National Forest, February 2003. The project has also been mitigated to ensure that unnecessary or undue environmental degradation does not occur. Approval of the project also recognizes the policy of multiple land use and the Nation's need for domestic sources of phosphate minerals.

Clean Air Act and Idaho Groundwater Quality Rule - Idaho DEQ is authorized to enforce groundwater and air quality standards in Idaho. DEQ has reviewed the mine plans, and

the groundwater impacts predicted in the DEIS. DEQ and Agrium have reached agreement on the terms of an adequate monitoring plan, pursuant to the Environmental Protection and Health Act, regarding groundwater quality and the North Rasmussen Ridge Mine Plan. The monitoring plan addresses issues both during and after active mineral extraction. Given DEQ's review of the monitoring plan, DEQ believes the mine operation on North Rasmussen outlined in the Selected Alternative shall be consistent with state groundwater and air quality standards.

Clean Water Act and Safe Drinking Water Act - The effect of the project on surface water quality has been modeled and presented in the DEIS. Impacts to surface waters, including seeps, springs, and creeks, are not predicted to exceed applicable numerical water quality standards in the Clean Water Act (CWA).

No culinary water wells are located within the vicinity of the Selected Alternative.

Mining and Minerals Policy Act - The Selected Alternative is in harmony with direction given in the Act to foster and encourage private enterprise in development of economically sound and stable domestic mining and minerals industries, orderly and economic development of domestic mineral resources, and reclamation of mined land. It is the responsibility of the Department of Interior to carry out this policy when exercising authority under such other programs as are authorized by law.

Mineral Leasing Act - The Selected Alternative will allow Agrium to exercise their existing mineral development rights granted in their Federal mineral leases. It also allows modification of an existing lease to include necessary overburden stripping and mine facilities and helps assure that ultimate maximum recovery of the mineral resource can occur. Agrium will pay annual rents and a 5% gross value royalty on phosphate production to the United States. Half of the money collected will be returned to the State of Idaho.

National Environmental Policy Act - The proposal has the potential to result in significant effects to the environment. As a result, the North Rasmussen Ridge Mine EIS was prepared to comply with this statute.

IMPLEMENTATION AND APPEAL RIGHTS

Any party who is adversely affected by this decision has a right to appeal to the Interior Board of Land Appeals, in accordance with the provisions described in 43 CFR Part 4. A person who wishes to appeal must file in the office of the State Director, Bureau of Land Management, Idaho State Office, 1387 South Vinnell Way, Boise, ID 83709-1657, who made the decision to file a notice that he wishes to appeal. This notice must be filed within 30 days after September 5, 2003, which is the signature date of this Decision and the date the Notice of Availability of this Record of Decision was published in the

Idaho State Journal, Pocatello, Idaho. The notice of appeal must identify the decision being appealed and may include a statement of reasons for the appeal and any argument the appellant wishes to make. If the notice of appeal does not include the statement of reasons for the appeal, the appellant shall file such a statement with the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days after the notice of appeal was filed. The appellant shall serve a copy of the notice of appeal and of any statement of reasons and arguments on the Field Solicitor, U.S. Department of the Interior, Federal Building & U.S. Courthouse, 550 West Fort Street, MSC 020, Boise, ID 83724, not later than 15 days after filing the document. Service of the copy may be made by delivering the copy personally or by sending it by registered or certified mail, return receipt requested.

Implementation of this decision may begin at the close of an appeal-filing period which begins today and ends 30 days after publication of a legal notice announcing the availability of this ROD in the Idaho State Journal, Pocatello, Idaho.

/s/ K Lynn Bennett
K. Lynn Bennett
Idaho State Director
Bureau of Land Management

September 5, 2003
Date