

January 3, 2023

RE: Objection to Final Environmental Impact Statement and Final Draft Record of Decision for Husky 1 North Dry Ridge Phosphate Mine

**Responsible Officials: Mary D'Aversa, Idaho Falls District Manager, BLM
Mel Bolling, Caribou-Targhee Forest Supervisor, US Forest Service**

To: Reviewing Officer

From: Michael Engle, Chairman, Portneuf Resource Council

Pursuant to 36 CFR Part 218, the Portneuf Resource Council (PRC) files this Objection to the FEIS and Draft ROD issued by Mary D'Aversa (BLM) and Mel Bolling (USFS) for the **Husky 1 North Dry Ridge Phosphate Mine**. The Objectors filed comments on the Draft EIS on or about December 6, 2021. Pursuant to 36 CFR 218.8, the parties state that the following content of this Objection demonstrates the connections between the December 6, 2021 comments (or "previous comments") for all issues raised herein. Pursuant to the Administrative Procedure Act, 5 U.S.C. §553-706, and USFS requirements, the Forester Supervisor's and/or the BLM District Manager's Offices must provide a detailed response to each of the issues/objections raised in this Objection.

A general comment on the responses to Portneuf Resource Council comments on the FEIS is that most responses prepared by Arcadis (consultant to the BLM) were inadequate and were dismissive of comments provided by PRC. Dismissing a public comment does not constitute an adequate answer to the public comment.

Groundwater and surface water protection and modeling:

Aquifer cross-flow and groundwater mixing with COPC plumes associated with the North and South Maybe CERCLA sites is likely as a result of this project. Any groundwater or surface water impacts or degradation of groundwater quality can be directly tied back to Itafos Conda, LLC as a principal responsible party when remediation of surface or groundwater is necessary. Groundwater modeling, in particular fate and transport modeling that incorporates these pre-existing plumes, was not done for this FEIS. For BLM/Arcadis to say that there is not enough data to conduct modeling of these interactions speaks to the necessity of additional study and data collection, hence the need for a Supplemental EIS for this project. Groundwater must be protected as though it were a potable water source for future users. It is unacceptable to assume that protection measures are not needed because of pre-existing groundwater contamination or an assumption that mining will always contaminate groundwater. IDEQ rules do allow degradation up to the MCLs, but when MCLs are exceeded from new mining or from pre-existing contamination then other federal rules trump the State of Idaho rules. It is unacceptable that existing plumes were not included in modeling predictions of new impacts of H1NDR.

Cultural Resources:

The FEIS fails to provide a complete inventory of all cultural resources. Simply addressing a “majority” is unacceptable. There are several Traditional Cultural Properties that have been identified in the project area. Per information in the FEIS, at least one property has not received SHPHO confirmation. No mining should occur if it is determined that this property is not cleared by the SHPHO. Any unapproved SHPO sites constitute an incomplete inventory of all cultural resources.

Treaty Rights:

The BLM/Arcadis explanation of treaty rights is disrespectful to the Shoshone-Bannock Tribes and not an acceptable response.

Cap and Cover Systems:

To prevent leachate generation and future contamination of groundwater and surface water, any permanent overburden storage areas must be constructed with double lining underneath, including a leachate collection system, and on the upper surface of the waste rock pile. In addition, areas of accumulation/concentration of black shales or other material high in COPC concentrations should be capped to prevent any infiltration of precipitation and leachate generation.

Environmental Justice:

The PRC disagrees that this FEIS, prepared under the 2020 CEQ regulations, is adequate to address cultural resources and environmental justice issues that will be negatively affected by the proposed H1NDR mine. With the current federal administration focus on environmental justice, we respectfully request that a supplemental DEIS be prepared to study and discuss in detail all issues listed in Table 63 of the current FEIS. While the Responsible Officials feels that the FEIS environmental justice analysis and the analysis for other resources are compliant with current BLM policy, PRC respectfully disagrees. The change in administration and implementation of new policies is absolutely a rational and justifiable cause to supplement the analysis.

Please contact me if you have additional questions or concerns.

Sincerely,

Mike Engle
Chairman, Portneuf Resource Council

[Redacted signature block]

