

Appeals Court Makes Smoky Canyon Decision | A ruling on Dec. 23 by the United States Court of Appeals for the Ninth Circuit represents a major victory for the Simplot Company in the long legal battle to expand Smoky Canyon Mine.

By ruling that federal agencies correctly assessed and approved expansion plans for Smoky Canyon, the Court paved the way for Simplot to continue work in two new mine sections that contain about 15 years of phosphate ore reserves.

"This is a welcome turning point in more than two years of litigation," said Simplot president & CEO Bill Whitacre. "We feel confident that we will be able to continue expansion work at Smoky Canyon with minimal risk of further major legal obstacles."

The Appeals Court upheld Federal District Court, Judge Mikel Williams ruling that the Bureau of Land Management and U.S. Forest Service had fully complied with the National Environmental Policy Act and the Clean Water Act when reviewing expansion plans for Smoky Canyon.

The ruling represents the culmination of months of legal proceedings that began when special interest groups filed suit 6/23/2008 to try to prevent further work at Smoky Canyon.

"We were able to reach this point because of an incredible team effort on the part of many Simplot employees, particularly members of our Legal Department and the Mining and Manufacturing Division of the AgriBusiness Group," said Whitacre. "I also want to thank our employees at the mine and the Pocatello plant for maintaining focus on safety and operations while the legal challenges played out in a case that eventually could have resulted in closure of the mine and the plant if court rulings had gone against us."