

Roadless Rules

Questions and Answers about current "Roadless rules" and actions at Smoky Canyon

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FAQ's ABOUT "THE ROADLESS RULE"

Why would Simplot propose to mine in a roadless area?

Long before any roadless initiative was enacted, the phosphate mineral reserves were identified by the federal government in areas called "Known Phosphate Leasing Areas" (KPLA). These KPLAs have been recognized by federal agencies as "strategic mineral reserves" as early as the 1950's, and were designated to be mined. All of the KPLAs in southeast Idaho were analyzed by an Environmental Impact Statement (EIS) completed in 1977.

The Manning and Deer Creek phosphate KPLAs that occur in the Sage Creek Inventoried Roadless Area (IRA) were leased well before the advent of the federal Roadless Rule. The Simplot Company originally leased the right to mine ore in the Deer Creek lease in 1951 and the ore in the Manning Creek lease in January 2001. Both of these leases were granted before the Roadless Rule.

Couldn't Simplot mine someplace else that is not in a roadless area?

Simplot owns other phosphate leases in Southeast Idaho, but all of their leases are in established KPLAs which occur in or around inventoried roadless areas. As previously stated, these leases were all purchased prior to any Roadless Rule. The Simplot Company has a right under the Federal Minerals Leasing Act to develop the mineral leases it was granted.

How much roadless area would Simplot disturb with the extension of the Smoky Canyon Mine?

The Caribou-Targhee National Forest has approximately 735,000 acres of inventoried roadless area. The Manning and Deer Creek leases occur in the Sage Creek Inventoried Roadless Area and border the Meade Peak Inventoried Roadless area. These two IRA's are approximately 53,000 acres. Only a portion of the proposed haul road is located in an IRA. The 127 acres required for the temporary haul road would disturb approximately 0.01% of the total IRA acreage in the Caribou-Targhee National Forest which is about 0.2% of the Sage Creek and Meade Peak IRA's. Moreover, these haul roads would be reclaimed as part of the Mine Reclamation Plan.

Overall, Simplot's proposed Mine and Reclamation Plan will disturb 1,325 acres of which 1,279 or 96.5% of the disturbed acres will be reclaimed. Not all of this disturbance is within an IRA. In the Sage Creek and Meade Peak IRA's, Simplot's entire proposed Mine and Reclamation Plan would result in disturbing approximately 2.5% of the acres in or around these IRA's.

INVENTORIED ROADLESS AREAS	TOTAL ACRES IN INVENTORIED ROADLESS AREAS	ACRES OF HAUL ROAD DISTURBANCE*	TOTAL ACRES OF MINE DISTURBANCE* (includes haul roads)
Caribou-Targhee National Forest IRA's	735,000	127 (0.01% of IRA)	1,325 (0.18% of IRA)
Sage Creek & Meade Peak IRA's Only	53,000	127 (0.2% of IRA)	1,325 (2.5% of IRA)

Not all of this disturbance is located in an inventoried roadless area. This table assumes all disturbance is located in an IRA for illustrative purposes only. The reader can assume this as a "worst case scenario."

Is it illegal for the Forest Service to permit road construction or phosphate mining within an inventoried roadless area (IRA)?

No. The Roadless Rule allows for road building and mining in Inventoried Roadless Areas in some circumstances.

For example, the Roadless Rule recognizes exceptions that allow road building in inventoried roadless areas, including a specific exception (36 CFR 294.12(b)(3)) that covers outstanding rights and rights provided by statutes. This part of the Roadless rule specifically allows road construction when "[a] road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty."

The Mineral Leasing Act is a statute that has governed the exploration of and the extraction of certain minerals (such as phosphate ore) for more than eight decades. The Federal Government during this time has awarded phosphate leases that provide a right to build roads to explore and extract minerals as allowed by the Act and its implementing rules.

In addition, reasonable access across inventoried roadless areas was reviewed and protected by the Roadless Rule. The Final Environmental Impact Statement (FEIS) for the Rule states:

"Construction or reconstruction of roads that are reasonable and necessary for development of existing energy or mineral leases, for access to existing energy or mineral leases, and for access to associated product conveyance lines would be allowed as necessary to fulfill the terms of the lease." (FSEIS at 3-259.)