



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Idaho Falls District Office  
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In Reply Refer To:  
3500

Paula Wilson  
Idaho Department of Environmental Quality  
1410 N. Hilton, Boise, ID 83706

Dear Ms. Wilson:

The Bureau of Land Management Pocatello Field Office Minerals Branch appreciates the opportunity to participate in the rulemaking process for the proposed update to the selenium criteria for aquatic life use. The Minerals Branch is involved cooperatively with the Idaho Department of Environmental Quality in the regulatory oversight of several existing and proposed phosphate mining operations in Southeast Idaho. A primary focus of this cooperative effort has been on mitigation to reduce the load of selenium from phosphate mines into the waters of Southeast Idaho.

Our review of the proposed update to the selenium criteria is focused on considerations as to how the updated criteria might be applied to future and existing mining operations. The proposal seems to be most applicable in determining whether or not a given waterbody should be 303d listed or not. Application of the proposed criteria to existing and future mining operations is clear.

In reply to the invitation to participate in the rulemaking process, we offer the following bulleted list of questions for your consideration regarding the application of the proposed criteria and providing practical direction for formulating and implementing practical environmental monitoring programs.

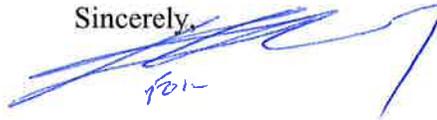
- Will there be some flexibility to use the water column criteria for mining operations so that samples can be used to make physical water handling decisions at mine operations without a need for 30-day averages that would be cumbersome and impractical for situations requiring quick decisions?
- While we appreciate that egg-ovary and fish tissue sampling accounts for bioaccumulation of selenium, we also have a concern that regular sampling of egg-ovary or fish tissue samples in many areas where the phosphate industry operates could be problematic to the fish populations. What level of consideration will be given when

sampling in areas that may have fish available to sample, but sampling them at frequencies needed for determining compliance may not be in the best interest of ensuring sustainable populations? How would a decision to preferentially use water column samples instead of eggs or tissue be made and who would make that decision?

- In predictive analysis related to permitting future mining operations, the BLM and cooperating agencies have typically used computer modeling packages to predict water quality. Baseline data used to calibrate these models and monitoring programs used for validating model predictions have focused on water quality instead of egg-ovary and fish tissue concentrations. Would this approach continue to be supported considering that predicting egg-ovary or fish tissue concentrations is not realistic?
- Existing mining operations have approved monitoring plans that require regular water quality sampling with frequencies in the range of monthly to annually or even less frequent. The proposed criteria suggests 30-day averages are required for water column based sampling. Would existing monitoring plans have to be adjusted or would there be some flexibility to continue at previously approved frequencies?

Please contact Jeff Cundick (478-6354) with any questions regarding the above comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. D'Aversa", written over a horizontal line.

Mary D'Aversa  
District Manager