



Protect Public Land from Simplot's Toxic Waste Dump Expansion

Shoshone-Bannock Tribes defend Treaty Rights as Congress weighs 700+acre land giveaway

By Donna Thompson, Chairwoman, Shoshone-Bannock Tribes

FORT HALL — These lands are part of our homeland. Our people still hunt, fish and gather here, as we have since long before Idaho became a state. Our connection to this land has never broken.

The 1868 Treaty of Fort Bridger made Fort Hall our permanent home, and guaranteed us reserved rights to hunt, fish and gather on public lands. When we ceded a large part of the Reservation in 1898, our rights did not change, and our connection to the land did not end despite reduced reservation boundaries. Under the Constitution, treaties are the supreme law of the land, so the United States promised, in writing, to uphold our rights forever.

Today, Congress is being asked to turn its back on that obligation. A provision buried in the U.S. Senate's pending defense authorization bill, Section 1091(b), would give more than 700 acres of our treaty-protected ceded land to the J.R. Simplot Company so it can expand its toxic waste dump behind its Don Plant in Pocatello.

Breaking his promise to protect public lands, Idaho's Senator Jim Risch made a deal with Senator Mike Lee to slip the provision into the legislation with no public process: no bill introduced, no hearing, no vote, and no consultation.

Simplot has spent decades trying to get this land, but federal courts repeatedly ruled against them. The case is still being fought, now before the Supreme Court, which Simplot is trying to bypass. Everyone who values public land should be alarmed!

The Don Plant has operated since the 1940s, turning phosphate into fertilizer. Its waste, a radioactive, carcinogenic byproduct called phosphogypsum, is piled in a massive "gypstack" behind the plant. It covers over 500 acres and stands hundreds of feet tall as part of the Eastern Michaud Flats Superfund Site; one of the most contaminated Superfund sites in the country.

For decades, it has polluted the Portneuf River, groundwater, and air across Fort Hall, Pocatello and Chubbuck with arsenic, phosphate, nitrate, sulfur, fluoride, and other toxins. In 2023, Simplot even paid to settle federal claims under various environmental laws. Three years later, Simplot is asking Congress to give away our ceded land so it can dump more toxic waste that will harm future generations. This must be stopped!



*Fort Hall Business Council
Chairwoman Donna
Thompson*

Let me be clear: we are not asking to close the Don Plant. We recognize the workers, families and communities who depended on it. But a company that can slurry phosphate ore 87 miles to its plant can find a responsible way to haul its waste away from our communities. Simplot wants the cheapest option, and it comes at the expense of our Treaty Rights and environment.

Our Treaty Rights are not simply a historical footnote. They are not an inconvenience to be bypassed when a company wants public land. They are promises between sovereign nations, ratified and written into law. If Congress erases them for Simplot, it can erase them anywhere, for any person or company, on any public land. No treaty and no public land is safe!

These lands may be next to Fort Hall, but the consequences will go beyond. The air and water connect our communities. What happens here reaches everyone. That is why we are asking Idahoans to speak up. Call Senator Risch and Idaho's congressional delegation and tell them to strike Section 1091(b) from the national defense bill and reject any other bill that gives our public lands away.

Tell them public lands are not for sale. Tell them the communities already carrying this toxic waste burden should not be made to carry more. Tell them that a promise the United States made still means something.

We will keep fighting to protect these lands, waters, air and our Treaty Rights for future generations. We expect the United States to do the same.

Donna Thompson, Chairwoman of the Fort Hall Business Council, is currently serving her fifth term. A lifelong resident of the Fort Hall Reservation, she brings more than three decades of experience with the Shoshone-Bannock Tribes in human resources, accounting, TERO, gaming, and enterprise governance. She remains committed to advancing the well-being of her community through principled leadership and responsible stewardship.