To: United States Forest Service
From: Josh King
Date: October 16, 2020
Subject: South Fork Salmon Protection

Proposed Solution to Protecting the South Fork Salmon River from Mining

Executive Summary

Midas Gold has proposed to open a mine in the headwaters of the South Fork Salmon River that increases risks associated with sediment erosion and heavy metal runoff. The South Fork Salmon is home to several threatened and endangered species that rely on this critical habitat for survival. In order to protect the river from the current mining threat, I analyzed 4 different policy alternatives. The policy alternatives included Status Quo, National Wild and Scenic River Designation, Idaho State Protected River Designation, and passing legislation in Congress that blocks Midas Gold's mining proposal. I evaluated these policy alternatives using the four criteria of political feasibility, effectiveness, equity, and economic benefits. After assessing overall potential outcomes of the policy alternatives, I recommend that the South Fork Salmon River be designated a National Wild and Scenic River. This would allow for the permanent protection of the South Fork Salmon River and ensure that Midas Gold's current mining proposal is denied.

The Problem

The South Fork of the Salmon River, located in central Idaho, is the last of the major tributaries of the Wild and Scenic Salmon River to remain unprotected. It flows freely out of the Salmon River Mountains and eventually into the Frank Church - River of No Return Wilderness, creating aquatic habitat for many threatened and endangered species, while also providing some of the best expert-level whitewater in the state of Idaho. The South Fork Salmon has been recommended as eligible for National Wild and Scenic designation because of its beautiful scenery, numerous cultural resource sites, geology, and anadromous fisheries.[1] In 2019, American Rivers listed the South Fork Salmon as one of **America's Most Endangered Rivers** for the second year in a row.[2] This is due to a large mining proposal by Midas Gold to reopen an old open-pit mine at the Stibnite Mine site high in the headwaters, which sat dormant for decades while state and federal agencies worked to reclaim the site.[3] While Midas Gold has plans for increased river and riparian restoration in the area, reopening the mine will increase the risk of toxins and other pollutants entering the river. The mining proposal is currently under review by the Payette National Forest, and action must be taken immediately to protect the South Fork Salmon in perpetuity.

Mining Risks

There is a long history of mining at the Stibnite Mine site, dating back to 1899.[4] There were multiple phases of intense mining, with all mining activity stopping in 1997. Since that time, there has been limited government cleanup, and reclamation of the site remains largely incomplete.[5] **Previous mining companies have been unable to manage problems associated with sediment erosion and heavy metal runoff, directly impacting the critical fisheries downstream**.[6] Under the new mining plan, Midas Gold plans to restore the site and improve water quality, wildlife habitat, fisheries, and vegetation.[7] While this plan seems to be a positive step, mining at the site will be greatly expanded along with the restoration efforts. This can create additional long-term environmental problems associated with previous mining in the area. Restoration is greatly needed at the site to manage existing environmental impacts, but opening a new mine to solve these problems is counterintuitive.

Endangered Species

The South Fork Salmon is home to many **endangered** and **threatened** species. The river system is prime habitat for **chinook salmon, steelhead, bull trout, and westslope cutthroat trout**, all of which are all either endangered or threatened under the Endangered Species Act.[8] All of these species can be directly impacted by increased sediment pollution, which, according to the Idaho Department of Environmental Quality, is the main pollution concern for the South Fork Salmon River.[9] Salmon, steelhead and cutthroat trout are very susceptible to sediment pollution because they build their nests in the stream bottom, relying on clean, cold water to deliver oxygen and remove waste products.[10] Any increase in sediment pollution, due to mining or any other activity, would jeopardize the viability of these critical species. Protection of these species should be a top priority when analyzing any mining proposal in the watershed.

Criticisms

Restoration is one of Midas Gold's main goals for the project, but there is no guarantee of continued restoration efforts after the project is completed. According to the Support Stibnite group, "the restoration and redevelopment work will provide hundreds of well-paying jobs for Idahoans for an entire generation and contribute hundreds of millions of dollars to our state's economy."[11] However, in the past, the EPA, Idaho Department of Environmental Quality, and U.S. Forest Service have all contributed to extensive wetland, stream, tailings, and waste rock reclamation in the heavily mined Stibnite area, spending millions of dollars on restoration.[12] While Midas Gold promises to focus on environmental restoration, there are no guarantees with mining, which tends to produce short-term gains with long-term repercussions.[13]

Policy Context

While the Salmon and Middle Fork Salmon rivers are currently designated as National Wild and Scenic Rivers, the South Fork Salmon remains largely at risk. However, there are current policies in place that indicate that the river deserves protection.

In-Stream Flow Right

In 2005, the **South Fork Salmon was granted an in-stream flow right under the 2004 Snake River Water Rights Agreement, also known as the Nez Perce Agreement**.[14] The focus of the agreement was to protect endangered fish populations in the Clearwater and Salmon River basins, which include the South Fork Salmon, a major tributary to the Salmon River.[15] The purpose of the in-stream flow right was to preserve wildlife, scenic, and recreational values, and to protect and enhance water quality.[16] While this water right is very beneficial to the aquatic health of the South Fork Salmon, it does little to limit future development and pollution.

National Wild and Scenic Eligibility

The South Fork Salmon has been listed as eligible for National Wild and Scenic River designation, but action has not been taken to permanently protect the river. In the Wild and Scenic Rivers Suitability Study Report for the Payette and Boise National Forests in 2002, the South Fork Salmon was classified as **Wild** and **Recreational**, having the below Outstandingly Remarkable Values (ORVs):[17]

- **Fisheries:** Important anadromous fishery and is a tributary to the Salmon River.
- **Botanical:** Contains significant populations of endemic plant species.
- **Scenic:** Flows through scenic landscapes, as well as a deeply dissected canyon.
- **Geology:** Hot springs, canyons, fossils, and outstanding fluvial erosion features.
- **Cultural Resources:** Over 60 cultural properties have been identified.
- **Recreation:** Outstanding white-water boating and fishing opportunities

Critical Habitat

The National Marine Fisheries Service has designated **critical habitat** for chinook salmon, and this habitat includes all tributaries of the Salmon River, including the South Fork Salmon, presently or historically accessible to chinook salmon.[18] When critical habitat is designated, agencies, such as the U.S. Forest Service, must avoid actions that destroy or adversely modify that critical habitat.[19] With this designation, any future mining or other development must be

proven to have no negative impacts to chinook salmon populations, but this is decided by the managing agency.

Alternatives

There are four possible solutions to protect the South Fork Salmon from the proposed mining threat in the headwaters. They are summarized below.

Alternative #1: Status Quo

The first potential policy solution is to **maintain the status quo**, letting the mining proposal and planning process run its course with no interaction. The U.S. Forest Service must still approve or deny the mining proposal, but with no protection included in this decision, the South Fork Salmon will continue to be at risk. The public will be allowed to comment in this process, debating the interests and values of economic growth versus protection.

Alternative #2: National Wild and Scenic River Designation

The second potential policy solution is to designate the South Fork Salmon as a **National Wild and Scenic River**. The South Fork Salmon has already been found eligible for designation by the U.S. Forest Service, being classified as Wild and Recreational. In order to formally protect the South Fork Salmon, a bill that adds the river to the National Wild and Scenic Rivers System will need to be introduced and sponsored in Congress. Under the National Wild and Scenic Rivers Act, the South Fork Salmon would be protected from future development projects if those projects negatively impact the river's ORVs.

Alternative #3: Idaho State Protected River Designation

The third potential policy solution is to designate the South Fork Salmon as an **Idaho State Protected River**. As a component of the Comprehensive State Water Plan process, the Idaho Water Resources Board can designate river segments with outstanding fish and wildlife, recreational, aesthetic, or geologic value as a State-Protected River.[20] This process is subject to legislative approval, but working with Idaho State Legislators to emphasize that protection outweighs continued development will ensure that the South Fork Salmon is protected. As a State Protected River, mining projects and alterations of the stream bed may be prohibited.[21]

Alternative #4: Introduce and Pass Legislation in Congress

The fourth potential policy solution is to **introduce and pass legislation in Congress that blocks Midas Gold's mining proposal**. A land management bill passed earlier this year, known as the John D. Dingell Jr. Conservation, Management, and Recreation Act, which offered new protections for public lands and rivers. As part of that bill, federal mineral rights were withdrawn from two areas adjacent to Yellowstone and North Cascades National Parks. A similar measure could be put forth to withdraw federal mineral rights from the Stibnite Mine Site, permanently protecting that area from mining. While the South Fork Salmon River itself would remain unprotected, the current mining proposal in its headwaters would be denied.

Chosen Policy Alternative

Based on this analysis, **I recommend that a bill be introduced to Congress to designate the South Fork Salmon River as a National Wild Scenic River under the National Wild and Scenic Rivers Act of 1968**. This would allow for the permanent protection of the South Fork Salmon River as well as the threatened and endangered species which rely on its critical habitat. This policy measure would ensure that Midas Gold's current mining proposal would be denied, and it would also prohibit future mining development within the South Fork Salmon watershed. While economic growth is important in this region of Idaho, these opportunities do not outweigh the responsibility to protect and conserve Idaho's wild and free-flowing rivers.

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