To Whom it May Concern,

My name is Asa Menlove and I am a resident of Boise, Idaho. I am an avid outdoorsman who believes in the intrinsic value of interconnected and thriving ecosystems, as well as the value that exists within each part (living or nonliving) of those ecosystems. As someone who values such things, I have been following the Stibnite Gold Project with great interest for the last year or so. I am a fly fisherman, river guide, and proud Idahoan who has a stake in the preservation of the beautiful landscapes that allow me to recreate and work by doing the things I love. As someone who frequently visits the area that will be impacted by the proposed mine, I am grateful for the opportunity to comment on the DEIS.

The proposed Stibnite Mine, if permitted, will directly impact my way of life. As a river guide, fly fisherman, and someone who values the scenic beauty of Idaho landscapes, the Stibnite Gold Project would adversely impact the way that I live in Idaho. The bull trout, chinook salmon, steelhead, and cutthroat trout that exist in the South Fork of the Salmon River and its tributaries provide some of the best fly fishing in Idaho, something that would be potentially destroyed by the mine. Three of the four fish species mentioned are listed on the Endangered Species Act. I have personally spent lots of time with all of these fish species in the area, and their existence and well-being is tied to my own. Last September, I was fortunate enough to observe dozens of adult bull trout spawning in Sugar Creek, a tributary of the affected EFSFSR watershed. It was during this same trip that I took a tour of the Stibnite Site hosted by Midas Gold. The parallels (or lack thereof) between the two experiences—observing a natural process that feeds the ecosystem vs. the incredibly *unnatural* experience of observing the Stibnite Pit in its current state—was quite shocking to say the least. It is my opinion, and the opinion of many others, that effectively tripling the mining footprint of such a sensitive area will make it absolutely impossible to accomplish anything even close to “restoration.” Midas’ claim that they will leave the area better than they found it is untrue, and there are numerous points in the DEIS that expose this non-truth.

Concerns Regarding Loss of Critical Habitat for 3 Federally Listed ESA Fish Species

As I mentioned above, I am a fly fisherman, river guide, and lover of wild rivers. As such, I care deeply for the health of Idaho’s anadromous fish—the chinook salmon and steelhead—that return to the South Fork of the Salmon to spawn each year. The bull trout that exist in the SFSR drainage are larger in size and stronger in population than bull trout in many other Idaho rivers. This is, in large part, due to the world class salmonid habitat that exists in the SFSR drainage. Midas Gold claims that they will be able to execute their mining plan while simultaneously causing little to no long term damage to this world class salmonid habitat, a claim that is inconsistent with much of the DEIS. As cited in the DEIS, the Forest Service has determined that the project will ***adversely affect*** bull trout (pg. 4.12-87), Chinook salmon (pg. 4.12-69), steelhead (pg. 4.12-75), and their critical habitats; and may indirectly impact Westslope cutthroat trout (pg. 4.12-93). Even within the executive summary of the DEIS, ample evidence can be found to suggest that the SGP will adversely impact healthy fish populations and habitat. For example, in Table ES4-1 under the ***Fish Resources and Fish Habitat*** section,

it is cited that “direct loss of Chinook salmon critical habitat” within and downstream of the SGP area will be 5.5 km at minimum across alternatives 1-4, with direct loss of habitat reaching 6.9 km (26% of *all* calculated Chinook salmon critical habitat) in alternative 3. Alternative 5 is the only alternative that results in no direct loss of critical habitat for Chinook salmon. In the same section of Table ES4-1, it is cited that “direct loss of bull trout critical habitat” within and downstream of the SGP area could reach up to 11.9 km in alternative 3 (nearly 70% of all calculated bull trout critical habitat within and downstream of the SGP area), with minimum losses across alternatives 1-4 of 4.7 km (27.5% of all calculated bull trout critical habitat.) Again, alternative 5 is the only alternative resulting in no direct loss of habitat. As a clarifying question—what, according to the Forest Service and DEIS, accounts for “within and downstream of the SGP area?” In other words, how far downstream, in mileage, does the DEIS account for? The direct loss of so much critical habitat for anadromous and non-anadromous fish will no doubt result in adverse impacts for the *entire* ecosystem. The role that anadromous fish play in the greater SFSR ecosystem is nearly immeasurable—they quite literally *feed* hundreds of different species with their nutrient rich bodies, and it seems that this role has been underestimated in the DEIS. The loss of critical habitat for these fish will not only affect them each as a species group, but it will also directly affect the entire SFSR ecosystem in an extremely negative way. If the SGP results in such large quantities of habitat loss for these fish, which ultimately results in extreme adverse impacts for the entire ecosystem, *how can it be even remotely believable that the SGP will eventually be able to restore, or make-better, an already recovering ecosystem?* The evidence in the DEIS is simply and completely inconsistent with Midas Gold’s promises to “restore the site.”

Concerns Regarding Rising Water Temperatures

In table ES4-1, under the “changes in water temperature” row, it is cited that across alternatives 1-4, water temperatures will rise. The DEIS indicates that water temperatures will rise more than 4 degrees Celsuis in the East Fork South Fork Salmon River below Sugar Creek across alternatives 1-4. If I’m not mistaken, this calculation *does not* include climate change as a factor in rising water temperatures. The lack of calculation to accommodate for climate change is a flaw in the methodology of this particular section of the DEIS, as climate change will surely play a role in rising water temperatures all over the world. Just in reading the executive summary, several inconsistencies with Midas’ claims to “restore the site” can be found. How will they leave the site *better* than they found it if the water temperature is measurably warmer by *several* degrees celsius when they are finished mining the SGP area?

Concerns Regarding the Speculative Success of a “Fish Tunnel”

Many claims made in the DEIS in regards to restoration of waterways, and in particular the EFSFSR near the YPP, are hinged upon the speculative success of a “fish tunnel.” This tunnel would be over a mile long and would effectively divert the EFSFSR away from the active mine site for the life of the mine. According to the DEIS (Appendix J3 - p. 6.) “[E]ven after close consultation and collaboration with NMFS, meeting applicable NMFS passage criteria and guidelines, and executing all potential adaptive management measures, there exists a

reasonable probability that the project will not be able to volitionally pass fish safely, timely, or effectively." This is a direct quote taken from the DEIS, in which it is cited as an excerpt from a letter to Midas Gold from the Forest Service, dated in 2019. Clearly, the Forest Service as an organization, as it should, has doubts about the success of the fish tunnel. How, then, can the fish tunnel be trusted and cited as a valid tool in the "restoration" process? It seems that there is very little, if any at all, reasonably applicable data cited in the DEIS to suggest that the fish tunnel will work to its full cited and prospected potential. Even if the fish tunnel worked to its full prospected potential, would it truly fill the role of a *natural* waterway? Would predators (osprey, bald eagles, etc.) have access to an underground EFSFSR, and if they do have access, is there reasonable data to suggest that they would even be able to adapt to such unnatural hunting circumstances? Would there be sufficient riparian supplementation inside of the tunnel to make the river appear and function even somewhat naturally? From a recreation standpoint, would the tunnel be open to the public? If the tunnel is deemed safe for fish and wildlife, should it not also be deemed safe for humans? I have a hard time believing that something as out of the ordinary as this will serve the purpose, even for the duration of mining operations, that a naturally flowing stream would. It seems that the Forest Service shares my opinion, as shown in the above quotation.

Concerns Regarding the Proposed Tailings Storage Location in Meadow Creek Basin

In 3 out of 4 alternatives that involve any kind of active mining, the tailings storage facility is cited in the DEIS as located in the Meadow Creek Basin. Meadow Creek makes up a percentage of the critical habitat for both chinook salmon and bull trout, and fish return to spawn there annually. In 3 out of 4 alternatives, Meadow Creek as a spawning location for chinook salmon and bull trout would be destroyed *in perpetuity.* According to the DEIS, Meadow Creek would be buried under more than 400 feet of mine tailings, which would be left to sit there for literal eternity. In Midas' plan, they cite that the tailings will be separated from the existing earth by a liner, which one may assume would offer at least some protection to the earth from the toxicity of the tailings rock. However, this liner will only be effective for the first decade or so of the tailings' lifetime. By the time the implemented liner has given out, the waste rock will have compressed itself into a barrier of its own, to be left in the Meadow Creek Basin forever. How can the effective and eternal destruction of one of the EFSFSR drainage's most productive spawning tributaries be in any way listed as *restoration*? The fact that it is cited as such displays a misconception of the very definition of the word. 3 out of 4 alternatives (alternative 5 does not include active mining) include the destruction of Meadow Creek in perpetuity. This could not be more inconsistent with Midas' claims to leave the site better than they found it, and it de-legitimizes the authenticity and methodology of the entire DEIS.

Concerns Regarding Treaty Rights of the Nez Perce Tribe

As the first peoples of this area, the Nez Perce Tribe has a connection to the SFSR drainage that is unlike any other "users" or inhabitants of the land. As such, they should be of supreme authority when it comes to decisions that could be potentially detrimental to the land in perpetuity. The SFSR drainage as a whole is included in their aboriginal hunting and fishing

grounds under the treaty of 1855, and the Nez Perce exercise their rights to fish for salmon in the SFSR and its tributaries each year. Poor salmon returns result in fishing closures, which result in fewer fish caught for the Nez Perce Tribe. Chinook Salmon are inextricably linked to many aspects of the culture, ceremony, and tradition of the Nez Perce Tribe, and without them, the tribe will be unable to continue celebrating their culture and legacy. The SGP will directly result in loss of chinook salmon habitat, which will then adversely impact the health of fish populations. This loss of habitat and ultimately decrease in population of Chinook salmon will directly impact the Nez Perce Tribe's way of life, and the tribe's ability to carry on their religious ceremonies and tradition. This is not only an ecological issue, but an issue of human rights. The health and well-being of the Nez Perce Tribe as a whole, as well as the individuals that exist within the tribe, is *literally* tied to the health and well being of the ecosystem. Destruction of said ecosystem can only result in the destruction of the Nimiipuu way of life. Additionally, the Nez Perce Tribe spends $2.5 million on hatchery programs, research, and watershed programs annually. The SGP would completely undermine this spending and effectively negate all of the hard work that the Nez Perce Tribe has dedicated to the recovery of the SFSR watershed over the last several decades.

Projects like the SGP will always choose monetary profit over the preservation of indigenous culture and the protection of wild things and places. This money-over-everything mindset was on full display when I took a tour of the Stibnite Site led by Midas Gold employee Eric Gordon. When asked about the conflict between Midas' progress and the preservation of indigenous (specifically Nez Perce) culture, Eric said "Culture doesn't put food on the table." The Nez Perce Treaty of 1855 has been broken so many times that it has been dubbed "The Steal Treaty," and it seems that the SGP is yet another attempt to take something away from the Nez Perce. Under the current plans of the SGP, would it not be in violation of the 1855 treaty by adversely impacting the tribe's ability to exercise their rights to fish and hunt on their aboriginal land? According to the United States Constitution as cited in Article VI, Clause 2, *"...all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land…"* The Nez Perce Treaty of 1855, as well as the treaty ratified in 1863, clearly indicate that the South Fork of the Salmon River is a "usual and accustomed fishing site" within the Nez Perce Tribe's aboriginal hunting and fishing grounds. Seeing as the treaties of 1855 and 1863 are the *supreme law of the land*, it would appear that by attempting to (somewhat inadvertently) destroy the headwaters of this sacred river, Midas Gold Incorporated would be in direct violation with the United States Constitution. The Nez Perce Tribe has had their entire way of life swept out from under their feet *systematically* by the US Government, and to continue the desecration and outright thievery of their homeland is not only morally wrong, but also constitutionally illegal.

Conclusions

I have raised many of my own personal concerns in this public comment, and I am truly grateful for the opportunity to do so. I would like to thank the Forest Service for thoroughly reading and digesting each comment that is submitted on the SGP DEIS. In my eyes, there is only one of 5 alternatives that is truly consistent with the overarching "restoration" theme of the project, and that is ***Alternative 5.*** Alternative 5 would not allow any further mining activity, and I believe that

this is the *only* way to truly accomplish anything close to restoration of the site. As an extremely concerned citizen, I ask that the Forest Service please select ***Alternative 5*** as the future of the SGP. Any other alternative will surely result in dozens of kilometers of habitat loss for multiple critically endangered fish species, significantly warmer temperatures in most streams within the SFSR watershed, the permanent destruction of at least 1 critical spawning stream for multiple of the above listed fish species, a mining footprint that is triple the size of anything the Stibnite Mining Zone has seen before, and significant encumberment upon an entire tribe's way of life. For the preservation of anadromous fish, healthy streams and ecosystems, and indigenous culture, alternative 5 is the *ONLY* way forward. I would also like to formally ask that the comment period be extended to the full 120 days (starting on the release date, August 14). This document is absolutely enormous and in order to allow the general public ample time to formulate their own opinions, an extension is necessary. Once again, thank you for the opportunity to provide comment.