

Comment Letter on the Stibnite Gold Project (SGP) Draft Environmental Impact Statement (DEIS)

**From Charles Ray
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Submitted by e-mail and USPS mail

October 26, 2020

My Standing to Comment

I am a resident of Valley County, ID. I have visited the South Fork of the Salmon River drainage for camping, hiking, bird watching, and fishing for over 30 years. I hope to continue doing so for many more years. I have worked at open-pit, cyanidation-process gold mines in Nevada, and I have seen firsthand the impacts and effects of such projects. I am very concerned about the adverse impacts of the proposed Stibnite Gold Project (SGP) on an area that I value highly. That area includes the mainstem Salmon River downstream of the mouth of the South Fork of the Salmon. I have participated in the National Environmental Policy Act (NEPA) process for the proposed Stibnite Gold Project (SGP) since its inception.

Nature of the DEIS

The Council on Environmental Quality's (CEQ) regulations (40 CFR §1500-1508) that implement the National Environmental Policy Act (NEPA) require Impact Statements to be "analytic rather than encyclopedic". I find this DEIS to be overly complex, confusing, poorly organized, poorly indexed, missing a lot of essential information, containing a lot of unsubstantiated claims, and definitely more encyclopedic than analytic. For that reason, the presentation of this document does not "Encourage and facilitate public involvement in decisions which affect the quality of the human environment" as required by the CEQ regulations that implement the NEPA. Instead, the presentation of this DEIS is an obstacle and an impediment to public involvement. Why did the USFS allow AECOM to produce a document as poorly presented as this DEIS?

Length of the Comment Period

Since the release of the DEIS on August 14, 2020, I have tried to read and understand as many pages as possible per day. So far, I've managed to thoroughly read about 3,000 pages. With 2,700+ pages (not including the Appendices) yet unread, it is clear I will not be able to read the entire DEIS, much less write all the substantive comments I want to make, by the end of the 75-day comment period.

The CEQ regulations that implement the NEPA require that, “Federal Agencies shall to the fullest extent possible: Encourage and facilitate public involvement in decisions which affect the quality of the human environment.” The 75-day comment period for the SGP DEIS does not “Encourage and facilitate public involvement....”. It is an obstacle and an impediment to public involvement. The USFS’s insistence on this unreasonably short comment period for a DEIS as lengthy and complex as the SGP DEIS is arbitrary, capricious, an abuse of discretion, and it casts doubt on the integrity of the entire SGP DEIS process.

This deficiency would be remedied by extending the comment period to at least 120 days. I request that the PNF do so. If you decide not to extend the comment period, I request you provide to me, in writing, your rationale and justification for your decision and an explanation as to how your decision is consistent with the Forest Service's clear legal obligation to “Encourage and facilitate public involvement....”.

Availability of the DEIS — the Digital Divide

To my knowledge, there are no complete printed copies of the DEIS available to the public with the exception of one copy at the McCall library*. The Payette National Forest (PNF) has only made the DEIS available as an electronic document accessible through the Forest’s website.

The failure to provide complete printed copies arbitrarily excludes a significant portion of the public from participation in the NEPA process. If a person doesn’t have a good computer, reliable Internet service (nobody does in McCall, ID), and enough computer skill to negotiate the document — the DEIS is essentially unavailable. Smartphones and tablet computers are not adequate to negotiate a document as voluminous and complicated as this DEIS.

According to published, peer-reviewed research from the Pew Research Center: Of all adults in the US with annual incomes under \$30,000, 46% do not have a desktop or laptop computer, 64% do not have a tablet computer, and 44% do not have access to home broadband Internet service. Of all adults in the US with annual incomes of \$30,000-\$99,000, 17% do not have a desktop or laptop computer, 45% do not have a tablet computer, and 19% do not have access to home broadband Internet service. (Anderson, Monica and Kumar, Madhumitha. *Digital Divide Persists Even as Lower-Income Americans Make Gains in Tech Adoption*. Pew Research Center, 2019).

The Payette National Forest’s failure to provide complete printed copies also disproportionately affects Black, Latino, and Native American citizens. According to a 2020 report released jointly by the Alliance for Excellent Education, the National Indian Education Association, the National Urban League, and UnidosUS, “[Internet] access is much more limited for families that are low-income, rural, American Indian/Alaska Native, Black , or Latino, compared to more affluent White families.”

The failure to provide printed copies of the DEIS violates the spirit and intent of the NEPA. The PNF's decision to not provide printed copies is an abuse of discretion, discriminatory, unethical, and likely illegal. The lack of printed copies does not "Encourage and facilitate public involvement...." as the PNF is legally required to do, it is an impediment and an obstacle to public involvement. I request answers to the following: "Who made the decision to provide only electronic copies of the DEIS? What is the rationale and justification for the decision? How is the discriminatory lack of printed copies consistent with the PNF's clear legal obligation to "Encourage and facilitate public involvement....".

I suggest the PNF remedy this situation by making complete printed copies of the DEIS available to anyone who asks, notifying the public that printed copies are available, and resetting the comment period to begin anew on the day when the public is notified that the printed copies are available. Will you do this? If not, why not?

*Due to COVID-19, placement of a single copy in the McCall public library in no way fulfills the USFS's statutory duty to "Encourage and facilitate public involvement....". I find it contradictory and paradoxical that the Payette National Forest (PNF) closes its offices to the public and requires many of its employees to work remotely in the interest of protecting those employees from COVID-19 infection, yet the Forest expects members of the public to crowd into the McCall library to read a single copy of the DEIS. How does the PNF justify this policy decision?

Humidity Cell Tests and Prediction of Acid Rock Drainage and Metals Mobilization

The DEIS contains detailed discussion of the use of Humidity Cell Testing (HCT) to predict the likelihood of Acid Rock Drainage (ARD) and metals mobilization. In fact, the DEIS's analysis and discussion of the likelihood of ARD and metals mobilization is based almost entirely upon the results of 14 HCT's of sample material that is purported to be representative of waste rock and ore from the SGP site. (DEIS, page 4.9-17 — 4.9-20).

I dispute the applicability of these HCT's, and I question the validity of the DEIS's conclusions that are based on these tests.

The careful selection of samples that are truly representative of the volumes and lithologies of waste rock and ore is essential if Humidity Cell Testing is to be of any predictive value. (Maest, Ann et al. 2005. *Predicting Water Quality at Hardrock Mines: Methods and Models, Uncertainties, and State-of-the Art*). The near-total reliance on a very limited number of samples, taken from unknown locations, and not representative of all lithologies identified at the SGP site casts serious doubt on the HCT's applicability and DEIS's conclusions drawn from those tests. The consequences of exactly this sort of sample selection error have been known for a long time. "The principal reason that current methods [of HC Testing] rarely, if ever provide a reliable

result is the failure to test a representative number of samples in each geologic rock unit in the proposed mine.” (Farmer, G. A., 1992. *A Conceptual Waste Rock Sampling Program for Mines Operating in Metallic Sulfide Ores With a Potential for Acid Rock Drainage*. USDA. Forest Service, Ogden, Utah)

Based on information received from a Freedom of Information Act (FOIA) request (2020-FS-R4-00722-F) and contained in *MGII's Final Geochemical Characterization Baseline Study Report 2, Table 3-5, Development Rock and Ore Samples Selected for Kinetic Testing*, 14 HCT's were conducted using development rock and ore samples obtained from selected intervals of cores taken from 11 drill holes. All samples were taken from the total of only 88.2 feet of core material.

Within the SGP study area, Midas has drilled at least 550 core holes and extracted at least 326,275 feet of core material. (Midas Gold. *Prefeasibility Study Technical Report*. 2014, revised 2019. (PFS). Incorporated into the DEIS by reference.). The samples used for the HCT's represent only 2% of the total cores holes drilled and 0.027% of the total footage of core material removed. Furthermore, the PFS identifies 20 separate and discrete lithologies present in the area to be mined. Sample material subjected to the 14 humidity cell tests came from only 9 lithologies (rock types). (*MGII's Final Geochemical Characterization Baseline Study Report 2, Table 3-5, Development Rock and Ore Samples Selected for Kinetic Testing*).

Additionally, Section 9 of the PFS contains tables titled “Significant Drill Intercepts within the Yellow Pine, Hanger Flats, and West End Expansion Targets.” These tables list a total of 20 identified core drill holes, each intercepting high-grade gold ore, that Midas presumably uses to demonstrate the viability and value of their prospect. A comparison of these core holes with the holes from which the HCT samples were taken shows no correspondence. None of the core holes selected for HCT samples shows up in the list of holes that Midas claims intercept the highest value ore. So we have 2 separate sets of drill holes — those purported to be representative of ore and development rock and those purported to contain the most valuable ore (and associated development rock).

The DEIS does not identify any location for any drill hole from which the HCT samples were taken. In FOIA request (2020-FS-R4-00722-F), I requested, “1) For all rock samples used in humidity cell testing, a list identifying each drill core and the interval of each core from which each and every sample subjected to humidity cell testing was taken. Please use the same core ID nomenclature used by Midas Gold. 2) A site map showing the location of each drill hole listed in item 1) above.” The PNF provided Table 3-5 referenced above in response to Item 1) of the FOIA request. When the PNF claimed it did not have, and was unable to produce, the map I requested, I amended the request and asked for “the latitude/longitude location plus azimuth and dip from vertical for each drill hole.” The Forest Service said it did not have that information. (E-mail from Ms. Jody Rose, FS-R4, to me, Jan.23, 2020.)

To sum up the above — The HCT's discussed in the DEIS used 14 rock samples obtained from drill cores, representing:

Only 2% of the total core drill holes drilled by Midas at the SGP site

Only 0.027% of the total footage of drill core extracted by Midas at the SGP site

Only 9 of the 20 separate and discrete lithologies identified at the SGP site

None of the drill holes identified by Midas as intercepting high-grade gold ore.

Drill holes from unknown locations.

I do not think the conclusions in the DEIS which are based on the HCT's are valid, credible, applicable, or supported by the facts, because: 1) The sample size is too small. 2) The samples do not represent all the separate and discrete lithologies that will be exposed during mining. 3) There is zero correspondence between drill holes selected for HCT sampling and drill holes selected to advertise the presence of high-grade gold ore. 4) The samples were taken from very narrow intervals of the cores. 5) The location of drill holes from which the HCT samples were taken is unknown by the PNF. In fact, the PNF cannot say with certainty that the material subjected to HCT even came from drill cores.

To make clear — I do not dispute the results of the HCT's based on the samples tested. I question whether the samples themselves were truly representative of the ore and waste rock that will be mined. I question DEIS's conclusions, based solely on the HCT's, about the likelihood of ARD and metals mobilization at the SGP.

The CEQ regulations implementing the NEPA require the Forest Service to “....assure the scientific integrity of the discussions and analyses in environmental impact statements.” Furthermore, those regulations require the Forest Service to “....independently evaluate the statement and take responsibility for its scope and contents.” As for the unknown location of the HCT sample drill holes, the regulations require that “.... the agency shall always make clear that such information is lacking.”

Has the PNF “independently evaluated” the applicability and statistical validity of the entire HCT sample selection procedure? Is the PNF prepared to “assure the scientific integrity” of the DEIS's conclusions regarding ARD and metals mobilization based on the very narrow range of samples subjected to kinetic testing? Why has the PNF not disclosed that the locations of the drill holes from which the HCT samples were taken are unknown? Can the PNF knowingly and truthfully say the samples weren't taken from Midas' office parking lot in Donnelly? Can the PNF assure the samples weren't cherry-picked by Midas to yield favorable results?

I request an answer for each of the questions above, and I request the PNF provide the rationale, justification, and evidence in support of those answers.

I suggest the remedy for this deficiency in the DEIS's analyses and conclusions is for qualified PNF personnel to select a statistically valid number of samples, from drill cores from known locations (including from the holes identified by Midas as

intercepting high-grade gold ore) representing all lithologies at the mine site, and from intervals along the full lengths of the cores. Then submit those samples for humidity cell testing. Lacking that, all analyses and conclusions derived from the HCT's should be deleted from the DEIS.

FOIA Requests Not Complied With By the Payette National Forest (PNF)

On March 6, 2020, I submitted a FOIA request (2020-FS-R4-03343-F) to the PNF on the letterhead of Save the South Fork Salmon. I requested: "Any and all records, electronic and print, of, concerning, or related to amendments to the Payette Forest Plan that will or may be necessitated by permitting, construction, or operation of the proposed Stibnite Gold Project."

On April 7, well past the statutory time limit for complying with the request, I received a request via e-mail from Mr. Michael Walcom of the PNF asking for a 10-day extension of the time limit for filling my request due to the "complex" nature of my request. I agreed to the extension.

To date, I have received no information in response to my request. I made the request in a timely manner in anticipation of writing comments on the DEIS regarding Forest Plan revisions. Since I have not received the information, I am unable to evaluate the veracity and completeness of the DEIS's analyses and discussion regarding Forest Plan amendments. The PNF's arbitrary and unlawful refusal to provide the information to which I am entitled by law has prevented me from being able to write substantive comments on that portion of the DEIS. I know mine is not the only FOIA request pertaining to the SGP that the PNF failed to fill within the legally required period of time.

The PNF's refusal to provide information requested under the FOIA in a timely manner is counter to the agency's duty to, "To the fullest extent possible: Encourage and facilitate public involvement..." The PNF's refusal to provide this information is also counter to the agency's duty to, "...insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken."

I suggest the PNF's unlawful failure to provide requested information be remedied by extending the comment period until such time as all FOIA requests regarding the SGP submitted prior to the comment deadline are filled and the recipients have adequate time to read the information and incorporate it into their comments on the DEIS.

Incomplete and Unavailable Information

Table 4.1-1 provides a summary of incomplete and unavailable information for areas where the incomplete or unavailable information is relevant to evaluating reasonably

foreseeable significant adverse impacts on the human environment and where the information has been deemed essential to a reasoned choice among alternatives. This Table lists at least 12 categories of Incomplete and Unavailable Information identified as, “[E]ssential to a reasoned choice among alternatives”.

Since no preferred alternative is identified in this DEIS, how will the PNF identify and analyze a final alternative in the FEIS if at least 12 categories information identified as “[E]ssential to a reasoned choice among alternatives” is missing? Is the “essential” missing information supposed to somehow appear during the time between the issuance of this DEIS and the Final EIS?

This amount of missing and incomplete information identified as “essential to a reasoned choice among alternatives” is a serious shortcoming of this DEIS. To me, it is a fatal flaw. If this much information “essential to a reasoned choice among alternatives” is missing, then there can be no reasoned analysis of alternatives and the PNF cannot “...assure the scientific integrity of the discussions and analyses in environmental impact statements” as required by the CEQ regulations implementing the NEPA.

Additionally, the list of incomplete and missing information presented in **Table 4.1-1** is itself incomplete. For one example — On page 4.7-3, the DEIS admits, “ Statistics for haul truck accidents on county roads and/or in mountainous terrain are very limited”, yet this critical information gap is not listed in **Table 4.1-1**.

For another example — I am very interested in seismic risks and hazards in the SGP. This is especially important when I consider the 400+ foot high dirt-and-rock tailings dam that Midas Gold claims will forever impound millions of tons of toxic sludge (the Tailings Storage Facility - TSF). Yet when I look for information about those seismic risks in documents referenced in the DEIS, I find the documents are labelled “ [Confidential; Not available to the public].” See list below.

Strata, 2013 - Geologic Hazard Assessment, Golden Meadows Project. December 2, 2013. [Confidential; Not available to the public].

Strata, 2014b - Preliminary Feasibility Study Slope Designs for Three Proposed Open Pits at the Golden Meadows Project in the Stibnite Mining District, Valley County, Idaho. [Confidential; Not available to the public].

Strata, 2016 - Geologic Hazard Assessment. Proposed Burntlog Access Road Alignment Valley County, Idaho. [Confidential; Not available to the public].

Tierra Group, 2018 - Stibnite Gold Project Geotechnical Investigations Summary Report and Appendices. Prepared for Midas Gold, Boise, Idaho. Prepared by Tierra Group International, Ltd., Salt Lake City, Utah. [Confidential; Not available to the public].

URS Corporation (URS), 2013 - Site Specific Seismic Hazard Analysis for the Golden Meadows Project, Idaho, Prepared for Midas Gold Inc. Unpublished Company Report. [Confidential; Not available to the public].

None of the documents listed above appears in **Table 4.1-1. Incomplete and Unavailable Information.**

Documents Designated Confidential and Thus Withheld From the Public

As stated above, I am very interested in seismic risks and hazards in the SGP. This is especially important when I consider the 400+ foot high dirt-and-rock tailings dam that Midas Gold claims will forever impound millions of tons of toxic sludge (the Tailings Storage Facility - TSF). Yet when I try to look for information about those seismic risks in documents referenced in the DEIS, I find they are labelled “ [Confidential; Not available to the public].” I request the PNF tell me exactly and specifically what makes the information contained in each of these documents “confidential.” Did the PNF make the decision to call these documents “confidential” and withhold them from the public? If not, who made the decision? If so, what is the criteria for determining confidentiality of any documents? What is the rationale and justification for withholding each of these documents?

These documents are referenced in the DEIS (pages 4.2-1 — 4.2-8) and purportedly contain information essential to understanding seismic risk and hazard at the SGP, yet because they are deemed “confidential”, members of the public are unable to ascertain the veracity or completeness information presented in the DEIS based upon these documents. This prevents the public from making substantive comments on the seismic risks and hazards that could threaten the integrity of structures and features associated with the SGP.

Additionally, I suspect, but I cannot know because the documents are withheld, that much of the information contained in these documents originated at federal or state agencies such as the US Geological Survey and the Idaho Geological Survey. Is this true? If true, then how can information acquired and compiled public agencies at taxpayer expense, then used in these documents, be arbitrarily declared “confidential” and withheld from the public?

These withheld documents are necessary to understand the huge public safety and environmental risks posed by the SGP Tailings Storage Facility. Withholding these documents is unjustified, a betrayal of public trust, an abuse of discretion, and unconscionable. I suggest the PNF remedy this deficiency by suspending the SGP NEPA process and preparing a supplemental DEIS that makes all this information freely available to the public.

Development of Alternatives

The CEQ regulations implementing the NEPA identify Alternatives as “....the heart of the environmental Impact Statement.” These regulations further state that the range of alternatives should, “.....sharply [define] the issues and [provide] a clear basis for choice among options by the decisionmaker and the public.”

The four action alternatives selected for study in the DEIS fall far short of this clear requirement. The four action alternatives are made up of the nearly identical basic components of the project. In effect, there is only one alternative, variously dressed up, masquerading as four.

Several alternatives having measurably less adverse environmental impact and risk than alternatives chosen for study were eliminated from further study in the DEIS. Just one example is dry stacking of tailings. The DEIS states this option was eliminated from further study, because it was deemed “....technically and economically infeasible.” The claim that dry stacking of tailings is “technically infeasible” is not credible. The method has been, and is, used successfully at many mines. One example is the Pogo Gold Mine near Delta Junction, AK.

Regarding the alternatives eliminated for further study due to “technical or economic infeasibility”, who makes the determination of technical or economic feasibility? Did Midas Gold make the determinations? If the PNF made such determinations, what criteria were used to determine technical or economic feasibility?

The DEIS contains no discussion or evidence of any analyses conducted by the PNF to determine technical or economic feasibility of any alternative. The CEQ regulations implementing the NEPA require the Forest Service to “....assure the scientific integrity of the discussions and analyses in environmental impact statements.” Furthermore, those regulations require the Forest Service to “....independently evaluate the statement and take responsibility for its scope and contents.”

Exactly how did the PNF “assure the scientific integrity of the discussions and analyses in environmental impact statements” regarding the determination of technical and economic feasibility of alternatives or project elements that might be incorporated in the alternatives? Exactly how did the PNF “independently evaluate” the economic and technical feasibility of alternatives or project elements that might be incorporated in the alternatives? The DEIS does not contain the answers to these question, but it should.

There are plenty of alternatives that would definitely lessen environmental impact and risk. None were selected for analysis in the DEIS. Apparently, none were even considered. Why isn't there an alternative utilizing deep mining rather than open pit mining? Why isn't there an alternative that completely backfills the pits? (thus eliminating the need for massive waste rock dumps). Why isn't there an alternative that requires no amendment of the Payette or Boise National Forest Plans? Why isn't there an alternative that produces no adverse impact to salmonids?

The PNF has a statutory and public trust obligation to minimize adverse environmental impacts and risks from activities that take place on public land. The PNF has absolutely no obligation whatsoever to only consider alternatives that minimize expense for Midas Gold. The PNF's apparent choice to do so in this DEIS is entirely counter to the legal requirement that the DEIS ".....sharply [define] the issues and [provide] a clear basis for choice among options by the decisionmaker and the public." The PNF's apparent decision to only develop and consider alternatives that minimize expense for Midas Gold is arbitrary, capricious, a violation of the CEQ regulations implementing the NEPA, and an abuse of discretion.

I view this very narrow and limited range of alternatives as another fatal flaw of this DEIS. I suggest this flaw be remedied by either: 1) withdrawing this DEIS and developing a real range of alternatives in a new DEIS, or, 2) developing a supplemental DEIS that presents and analyzes a real range of alternatives.

The Burntlog Road and the Fish Tunnel

The PNF rejects project elements, and alternatives which might utilize those elements, as "....technically and economically infeasible." (DEIS 2-139 — 2-143, and the section of these comments above — **Development of Alternatives**). With these criteria for rejection in mind, I question the validity of alternatives that contain the Burntlog Road access route and fish passage via the Fish Tunnel. I believe it is highly likely the final SGP will utilize neither of these proposed project features as described in the DEIS. I believe it is highly likely that the Burntlog access road will never be built, or if it is built, it will not be used during the winter. I believe the Fish Tunnel will never be built, or if it is built, it will be abandoned in favor of trap-and-haul fish passage or no fish passage.

The Burntlog access route, if built, would be the highest elevation road used year-round in the entire state of Idaho. (I find no year-round roads at similar elevation in the states of Oregon or Washington, either, but I could have overlooked some.) The DEIS presents no evidence that year-round operation of the Burntlog Road is either technically or economically feasible.

The Fish Tunnel would supposedly provide passage for fish past a mine pit. The DEIS provides no evidence for the efficacy of this technology. The DEIS's discussion of the technical feasibility and biological validity of the Fish Tunnel is based on pure speculation. Indeed, even the design of the Fish Tunnel remains unknown. The document containing that design, incorporated in the DEIS by reference, is designated "confidential" and withheld. see: *McMillen Jacobs Associates, 2018, East Fork South Fork Salmon River (EFSFSR) Tunnel Design Documentation Report. November 20, 2018. [Confidential; not available to the public].* DEIS, page 8-3.

The CEQ regulations implementing the NEPA require the Forest Service to "....assure the scientific integrity of the discussions and analyses in environmental impact statements." The DEIS contains no evidence that the PNF can "assure the scientific

integrity of the discussions and analyses in environmental impact statements” regarding the technical and biological efficacy of the Fish Tunnel.

Since there is no evidence at all of the biological (for the Fish Tunnel), technical, and economic feasibility of these two project elements, I believe both these elements are simply smokescreens. I believe they are included solely to: 1) deflect scrutiny from the huge environmental risks posed by transporting hazardous and toxic materials and petroleum products to the SGP via the existing Johnson Creek-Yellow Pine route, and 2) deflect scrutiny from, and offer some hope of mitigation for, the significant and permanent adverse impacts to salmonid fish posed by every action alternative. If true, inclusions of these two project elements in the DEIS is disingenuous.

The PNF’s decision to allow these two project elements to be included in action alternatives absent any evidence of the biological (for the Fish Tunnel), technical, or economic feasibility of either is arbitrary, capricious, not supported by evidence, and an abuse of discretion.

The DEIS Improperly Limits the Area of Study

The DEIS improperly limits the spatial area of consideration and analysis. Here are two examples — downstream effects and transportation of hazardous materials and petroleum products.

For fishery and water quality environmental consequences, the DEIS does not consider the any part of the South Fork of the Salmon River watershed downstream of the confluence of the East Fork of the South Fork of the Salmon River and the South Fork of the Salmon River or the mainstem Salmon River downstream of its confluence with the South Fork of the Salmon River. This limit is arbitrary, and it is not based on any science or law. Adverse environmental consequences will certainly extend downstream of these arbitrary boundaries and therefore must be considered.

The DEIS fails to analyze the effects of any spill of hazardous or toxic materials and petroleum products outside the project area. The transportation of these substances along their entire transportation routes will be a direct result of operation of the proposed mine and is inseparable from operation of the mine. Transportation accidents involving these hazardous and toxic materials and petroleum products are a certainty over the life of project. The DEIS improperly segments this activity from SGP operation.

The DEIS Ignores the Certainty of Impacts From Spills of Hazardous and Toxic Materials and Petroleum Products.

The DEIS arbitrarily, improperly, and unreasonably fails to consider and analyze the risk of spills of hazardous and toxic materials and petroleum products and the certainty of

adverse environmental consequences caused by spills of hazardous and toxic materials and petroleum products. Instead of the rigorous analysis and NEPA's requirement that the PNF "...independently evaluateand take responsibility for the scope and contents of this section of the DEIS", the PNF instead offers only unsubstantiated and irrelevant statements about transportation risks such as,

"The statistical rate of large-truck accidents involving hazardous cargo for miles traveled ranged from approximately 1 accident for every 714 million miles traveled in 2013 to approximately 1 accident for every 522 million miles traveled in 2016. Therefore, statistically, the rate of accidents on the nation's highways involving crashes or spills of hazardous material cargo by large trucks is very low (Federal Motor Carrier Safety Administration 2018). In 2019 there were a total of 38 spills of hazardous materials reported in the state of Idaho. None of these spills appear to be associated with a mine site or hauling of materials from a mine. Most of the spills (*sic*) were from freight haulers and delivery services such as Fed Ex or United Parcel Service" (DEIS, page 4.7-3)

This is not the rigorous analysis required by the CEQ regulations implementing the NEPA.

Additionally, the DEIS admits, " Statistics for haul truck accidents on county roads and/or in mountainous terrain are very limited." This is another example of missing or incomplete information. This item of missing or incomplete information is omitted from **Table 4.1-1** Incomplete and Unavailable Information.

The DEIS Fails to Discuss Energy Requirements and Conservation Potential of Various Alternatives and Mitigation Measures

The CEQ regulations implementing the NEPA require that the Environmental Consequences chapter of the DEIS "... [to] include discussion of: Energy requirements and conservation potential of various alternatives and mitigation measures." 40 CFR §1502.16(e). I cannot find any such discussion in either the Executive Summary or Chapter 4 of the SGP DEIS. Neither can I find a single use of the terms, "energy requirements" or "conservation potential" in a word/term search of those chapters or in the Index, Chapter 9, of the DEIS. There is no mention of "Energy Requirements and Conservation Potential" in **Table 2.9-1 Summary and Comparison of the Potential Environmental Impacts Associated with the Significant Issues by Alternative**.

If this information is really present in those chapters, my inability to find it is indicative of the very poor organization and indexing of the DEIS.

If the information is missing, it is a serious flaw and another example of the failure of this DEIS to comply with the requirements of 40 CFR 1500-1508. This information is definitely required to, "... sharply [define] the issues and [provide] a clear basis for

choice among options by the decision maker and the public.” This omission could be remedied by preparation of a Supplemental DEIS containing this information.

Wolverines

The DEIS acknowledges the presence of wolverines within the study area and states, “The Forest Service has preliminarily determined that the mine site, access roads, utilities, and off-site facilities would result in adverse effects to wolverine but would not jeopardize the continued existence of this species.” (DEIS, pages 4.13-21,22). The DEIS offers no evidence and cites no research to substantiate the claim that impacts caused by the SGP, “..... would not jeopardize the continued existence of this species.” Lacking definitive evidence, the statement is purely speculative. Before including this statement in the DEIS, did the PNF consider that there are estimated to be 300 or fewer wolverines present in the lower 48 states, that habitat fragmentation results in genetically isolated populations, that there is a real possibility that a genetic bottleneck could doom the species? These are well known and well-documented facts. If there was such consideration by the PNF, there is no documentation of it in the DEIS. If such consideration did not occur, it is a serious flaw in this DEIS and must be remedied.

The CEQ regulations implementing the NEPA require the Forest Service to “....assure the scientific integrity of the discussions and analyses in environmental impact statements.” Can the PNF “assure the scientific integrity of the discussions and analyses in environmental impact statements” regarding its speculation that the SGP and associated infrastructure and activities “.....would not jeopardize the continued existence of this species.”? If so, please present the evidence upon which such assurance is based.

The DEIS Fails to Discuss Metals and Other Pollutants in Stream Sediment Within and Downstream of the SGP Study Area.

Stream beds will be disturbed and sediment will be mobilized for the duration of operation of the SGP. Thousands of tons of sediment will be displaced and likely mobilized during the re-excavation of the Yellow Pine Pit alone.

The presence of heavy metals is well known and well-documented in rock and soils in the SGP study area. This heavy metal-laden rock and soil is the source of sediment in the study area. In the DEIS, I can find no analysis of heavy metals or other pollutants in the sediments within the SGP study area or downstream. I find no analysis or discussion of the effects of heavy metals in sediment on fish, macroinvertebrates, or microbial organisms. If this information is in fact present in the DEIS, my inability to find it is indicative of the very poor organization and indexing of the DEIS.

If the information is missing, it is a serious flaw and another example of the failure of the authors of this DEIS to comply with the requirements of 40 CFR §1500-1508. This information is definitely required to, "... sharply [define] the issues and [provide] a clear basis for choice among options by the decision maker and the public." I view an examination of heavy metals and other pollutants in the sediments and the effects of such as an essential part of analysis and disclosure that must be included in Chapters 3 and 4 of the DEIS. This omission could be remedied by preparation of a Supplemental DEIS that contains this information.

Conclusion

I find this DEIS to be overly complex, confusing, poorly organized, poorly indexed, missing essential information, containing unsubstantiated claims, and definitely more encyclopedic than analytic. It falls far short of meeting many requirements of 40 CFR §1500-1508, the CEQ's regulations that implement the NEPA.

It looks to me like Midas Gold supplied all the answers, and the Payette National Forest and AECOM struggled to construct the DEIS around those answers.

A significant portion of the public is unable to access the DEIS, and is therefore unable to comment, because the PNF made it available in electronic form only and insisted on an unreasonably short comment period. Additionally, the PNF's website, where the document must be accessed, was unreliable and sometimes inaccessible for at least the last two weeks of the comment period.

I recommend the Payette National Forest avoid wasting any more of the taxpayers' money trying to patch up the deficiencies in this DEIS or trying to defend it in court.

I recommend withdrawing this DEIS and writing a new one.

I expect the Payette National Forest, not AECOM or Midas Gold, to address each issue I raise and answer each question I ask in these comments.

Charles Ray
McCall, Idaho

