Submitted Electronically To:
https://cara.ecosystem-management.org/Public/CommentInput?Project=50516

October 28, 2020

U.S. Forest Service, Payette National Forest
Attn: Linda Jackson, Payette Forest Supervisor
500 North Mission Street
McCall, ID 83638

RE: Comments on the Payette and Boise National Forests' Draft Environmental Impact Statement for the Stibnite Gold Project

Dear Ms. Jackson:

I. Introduction

The Women's Mining Coalition has been involved as a stakeholder with Midas Gold Idaho Inc.'s proposed Stibnite Gold Project (SGP). We are thus very pleased that the Payette and Boise National Forests (Forest Service) published the Draft Environmental Impact Statement (Draft EIS) in August 2020 for the SGP. We are submitting these comments in response to the Forest Service's request for comments on the Draft EIS.

As you will readily see from our comments, WMC supports Midas Gold's Plan of Restoration and Operations (PRO) for the SGP because we believe this project is an exciting opportunity produce to produce the critical mineral antimony as a byproduct of the gold production while repairing the historic damage at Stibnite due to legacy mining operations and contemporaneously develop a modern, highly regulated mining operation that will protect the environment. The Forest Service should make every effort to approve the SGP as soon as possible because the project will:

- Restore land and water impacted by legacy mining and benefit the environment;
- Create roughly 600 well-paying direct mining jobs and many indirect and induced jobs;
- Become an economic engine creating widespread benefits for central Idaho;
- Pay substantial sums of local, state, and federal taxes for the 20-year life of the project; and

- Reduce our reliance on China for over half of the antimony we use.

About WMC

WMC is a grassroots organization with over 200 members nationwide. Our mission is to advocate for today's modern domestic mining industry, which is essential to our Nation. WMC members work in all sectors of the mining industry including hardrock and industrial minerals, coal, energy generation, manufacturing, transportation, and service industries. We hold annual Washington, D.C. Fly-Ins to meet with members of Congress and their staff, and federal land management and regulatory agencies to discuss issues of importance to both the hardrock and coal mining sectors.

WMC members have extensive experience with the National Environmental Policy Act (NEPA), the U.S. Mining Law, and the Forest Service's 36 CFR Part 228 Subpart A surface management regulations governing locatable minerals and mining activities pursuant to the U.S. Mining Law. We have provided comments on numerous NEPA documents for proposed locatable mineral projects on public lands administered by the U.S. Bureau of Land Management (BLM) and on National Forest System lands administered by the U.S. Forest Service. Some WMC members also have expertise in preparing third-party NEPA documents. Lastly, our Advisory Council is comprised of industry experts from all facets of the mining industry. Based on this experience, WMC is well qualified to review the Draft EIS and to provide these comments.

II. The Forest Service Has Developed a High-Quality Draft EIS

WMC commends the Forest Service for developing a comprehensive and thorough Draft EIS. Based on our NEPA expertise, we believe this document fully satisfies NEPA requirements. Chapter 2 presents a reasonable range of alternatives. Chapter 3 presents a comprehensive discussion of the affected environment. Chapter 4 provides a detailed description of the environmental consequences. The document reflects the enormous amount of environmental baseline data collected for the project and the numerous environmental and engineering studies upon which the impact analyses are based.

WMC would also like to express its appreciation for the Forest Service's project website and virtual room, which made it convenient and easy to access an electronic version of the Draft EIS and all of the supporting information used to prepare the document – including the impressive number of references. We are quite enthusiastic about the virtual public meeting room because it presents an excellent project overview and explanation of the project alternatives. The interactive maps are a very effective way to make the differences in the project alternatives easy to understand.

Based on the opening page of the virtual public meeting room, WMC has the impression that the Forest Service developed this site solely because of the pandemic and the prohibition against large gatherings like the in-person public comment period

meetings that the agency typically holds on a Draft EIS. We encourage the Forest Service to start using virtual public meeting rooms for future projects even when the pandemic is over and in-person meetings can occur. The virtual public meeting room format provides all stakeholders with equal access to project information, which is especially important to groups like WMC that have members who live across the country and who are unlikely to be able to travel to far-away locations to attend an in-person meeting.

In light of the accessibility and caliber of the project information, the 75-day public comment period gives the public enough time to provide comments on the Draft EIS. The Forest Service has already granted two extensions beyond the 45-day comment period required for a Draft EIS. We thus believe that no additional extensions are warranted and request that the comment period end on time on October 28, 2020.

III. Environmental Restoration of Legacy Impacts at Stibnite

A. Integrating Restoration and Redevelopment Could be a Model for Other Sites

WMC has been involved for many years with policy issues dealing with Abandoned Mined Lands (AML) and Good Samaritan liability relief for voluntary clean-ups of AML sites by entities that did not create the environmental problems. Consequently, we are very impressed by and interested in Midas Gold's exceptional proposal to use some of the proceeds from mining the SGP to finance cleaning up Stibnite.

There can be no doubt that Midas Gold is acting as a Good Samaritan by offering to clean up environmental problems created by past mining activities with which they had no involvement. However, it is important to note that the SGP is not a Good Samaritan AML project in the typical sense because Midas Gold is not asking for Good Samaritan liability relief for the PRO. Rather, the Company is proposing to comply with the water quality and other environmental standards applicable to all other mines. WMC commends Midas Gold for its vision and leadership and in developing this innovative approach to restoring a legacy mine site.

B. The Environmental Benefits in the PRO Compel the Forest Service to Authorize the SGP

Chapter 4 of the Draft EIS describes the numerous environmental benefits including habitat restoration and enhancement and removal of problematic legacy mine wastes comprised of tailings deposited directly on the ground and spent leached ore that is not on a liner. These materials are leaching arsenic and antimony into groundwater and surface water resources. Appendix D of the Draft EIS describes the numerous mitigation measures either required by the Forest Service or offered by Midas Gold to minimize project impacts. Based on these discussions, it is readily apparent that the SGP will create net environmental benefits.

All of the action alternatives would result in some environmental benefits. As discussed in more detail in Section IV, Alternative 2 clearly would create the most

environmental benefits and has no environmental disadvantages. In strong contrast, Alternative 5, the No Action Alternative, would forgo all of the environmental and economic benefits associated with the SGP and would instead allow the existing environmental problems at Stibnite to persist into the future and perhaps even become worse.

It thus seems obvious that the Forest Service must dismiss Alternative 5 out of hand for compelling environmental reasons. Unfortunately, the Draft EIS does not adequately discuss the adverse environmental consequences that would result from the No Action Alternative. WMC suggests that the Final EIS include an expanded discussion of the No Action Alternative that discloses that the current degraded environmental conditions would continue for the foreseeable future under this alternative. This discussion should explain that selecting the No Action Alternative would be inconsistent with the Forest Service's land management obligations as the environmental steward of National Forest System lands pursuant to the Organic Administration Act of 1897 (16 U.S.C. § § 478, 482, and 551) and with the mandate in 36 CFR § 228.8 to minimize adverse environmental impacts from locatable mineral activities. In this case, 36 CFR § 228.8 creates an implied mandate for the Forest Service to authorize a locatable minerals project that promises to reverse and eliminate adverse environmental impacts.

The Forest Service's obligation to authorize the SGP so the environmental cleanup measures that are an integral part of the Midas Gold's PRO can be implemented must also be considered in light of the fact that there do not appear to be any other near-term viable options to achieve the site-wide restoration outlined in the PRO. There are no other identified public- or private-sector entities that have expressed an interest in or a willingness to restore the site. Midas Gold's proposal to invest $1 billion to restore and redevelop Stibnite is the only plan under consideration. The level of investment required for this brownfields restoration and redevelopment project stands as a significant barrier to other remediation options – especially options involving taxpayer funds.

The Forest Service has statutory, regulatory, and stewardship obligations to accept Midas Gold's offer to use private-sector resources to clean up the Stibnite area. Allowing the environmental problems to remain unabated for potentially many years into the future would ignore these obligations. In particular, the current water quality problems due to the arsenic, antimony, and other contaminants that are leaching from the 10.5 million tons of legacy mine wastes (tailings and leached ore) at the Spent Ore Disposal Area (SODA), and the barrier to upstream fish migration due to the Yellow Pine Pit are serious environmental problems that the PRO is proposing to fix.

Midas Gold's proposal to remove, reprocess and repurpose the SODA legacy mine wastes and to restore the East Fork of the South Fork Salmon River (East Fork) to allow upstream fish migration will create lasting environmental benefits. Removing the SODA mine waste pile will eliminate the contamination currently emanating from these wastes and will improve water quality in the East Fork. Restoring the

East Fork and upstream fish migration will benefit the fishery and the Tribes that have rights and interests in these lands and the East Fork fishery.

C. The 228A Regulations will Ensure Environmental Protection

WMC expects the Forest Service to follow and enforce its 36 CFR Part 228 Subpart A surface management regulations (the 228 A regulations) and the mandate at 36 CFR § 228.8 to minimize adverse environmental impacts associated with the SGP. We are confident that the 156 mitigation measures required by the Forest Service and proposed by Midas Gold listed in Table D-1 in Appendix D of the Draft EIS, and the 75 additional mitigation measures that Midas Gold has voluntarily proposed as design features for the SGP that are listed in Table D-2 will result in a project that is designed to be fully protective of the environment and that mitigates impacts to the maximum extent possible.

Another reason we are confident that the SGP will be an environmentally responsible project is embedded in our reliance on the comprehensive nature of the Forest Service's 228A regulations. Because these regulations include an umbrella requirement that the project must comply with all other applicable state and federal regulations, we know it will meet a long list of federal and state regulatory requirements including but not limited to water quality and air quality standards, habitat protection mandates, waste management directives, preservation of cultural resources, minimizing impacts to scenic resources, etc. Of course, the Forest Service's regulations also require financial assurance to ensure reclamation is achieved as discussed in Section V.

IV. Choosing the Preferred Alternative

The DEIS discusses four action alternatives in detail and also includes a thorough discussion in Section 2.8 of the many alternatives that Midas Gold and the Forest Service considered but eliminated from detailed analysis because they did not meet the Forest Service's alternatives screening criteria or Midas Gold's or the Forest Service's Purpose and Need. The Forest Service's screening criteria eliminated site components or locations for facilities that were not economically or technically feasible or did not result in an environmental benefit. The Forest Service was very thorough in identifying reasonable project alternatives that are economically and technically feasible in the project area's steep terrain, which reduces the number of possible configurations for the project facilities. Practical locations for project facilities are further restricted by legacy mine waste piles, underground workings, etc.

Table 1 (on the following page) presents a summary of the advantages and disadvantages of the four action alternatives and clearly shows that Alternative 2 is the most advantageous alternative because it would create the most environmental benefits, would encounter the fewest operational difficulties, and would minimize exposure to safety hazards. Based on Table 1, the choice between alternatives is clear. The many advantages associated with Alternative 2 and the lack of disadvantages makes it the obvious choice for the Forest Service's Preferred Alterative in the Final

EIS. Alternative 2 best fulfills the Section 228.8 mandate to minimize adverse impacts.

Table 1 clearly illustrates the advantages of Alternative 2 compared to Alternative 1. Alternative 1 presents Midas Gold's original PRO that was submitted to the Forest Service in 2016. Midas Gold submitted a Modified PRO to the Forest Service in 2017 that incorporates input that Midas Gold and the Forest Service received during the 2017 public scoping period and Midas Gold's extensive stakeholder outreach program over the past four years. The Modified PRO is the basis for Alternative 2. Because Alternative 2 includes environmental enhancements compared to Alternative 1, the Forest Service should select Alternative 2 as its Preferred Alternative.

Table 1
Advantages and Disadvantages Associated with the Project Action Alternatives

Project Component	Action Alternatives			
	1	**2**	**3**	**4**
Advantages				
On-site lime kiln minimizes traffic, vehicular air emissions and surface disturbance	No	Yes	No	No
Provides seasonal access through the mine site	No	Yes	No	Yes
Reprocesses and repurposes legacy mine wastes and eliminates future water quality problems due to leachate from these wastes	Yes	Yes	No	Yes
Locates the tailings in an area with previous surface disturbance	Yes	Yes	No	Yes
Places TSF in a previously disturbed area	Yes	Yes	No	Yes
Roads minimize exposure to landslide areas and avalanche chutes	Yes	Yes	Yes	No
Road corridors avoid paralleling waterways with fish habitat	Yes	Yes	Yes	No
Will use active water treatment facility	No	Yes	No	No
Has Water Quality Management Plan	No	Yes	No	No
Constructs fish tunnel to promote upstream migration during early mining years	Yes	Yes	Yes	No
Minimizes surface disturbance by eliminating West End DRSF	No	Yes	No	No
Creates the least new surface disturbance	No	No	No	Yes
Faster construction and project start-up schedule expedite benefits	Yes	Yes	No	No
Advantages: Yes Totals	**7**	**12**	**3**	**5**
Advantages: No Totals	**6**	**1**	**10**	**8**
Disadvantages				
Creates the most surface disturbance	No	No	Yes	No
Largest area of restricted tribal access	No	No	Yes	No

Project Component	Action Alternatives			
Delays project by two years, which adversely impacts project economics for Midas Gold	No	No	Yes	Yes
Delays project by two years, which defers environmental cleanup, jobs, and tax revenue benefits	No	No	Yes	Yes
Increases potential for spills to enter waterways due to proximity of roads to streams	No	No	No	Yes
Roads built parallel to and along waterways with fish	No	No	No	Yes
Builds TSF in an undisturbed area creating new surface disturbance	No	No	Yes	No
Builds TSF near an old landslide	No	No	Yes	No
Creates the most new surface disturbance	No	No	Yes	No
Disadvantages: Yes Totals	**0**	**0**	**7**	**4**
Disadvantages: No Totals	**9**	**9**	**2**	**5**

Table 1 clearly documents there are serious disadvantages associated with Alternatives 3 and 4 that dictate against them becoming the Agency's Preferred Alternative. These disadvantages include:

Alternative 3:

- This alternative has the largest footprint and creates the most amount of new surface disturbance;

- The tailings storage facility (TSF) would be located in the East Fork on currently undisturbed land;

- Building the TSF in this location would fail to capitalize on the opportunity to remove the 10.5 million tons of legacy mine wastes that would be reprocessed and repurposed prior to building the TSF in the Meadow Creek Valley/SODA location in Alternatives 1, 2, and 4;

- The failure to remove the SODA mine waste pile would result in ongoing leaching of contaminants into the East Fork. This would perpetuate an environmental problem instead of realizing the environmental benefits associated with eliminating this source of contaminants;

- The large paleo-landslide at the Alternative 3 TSF makes this a potentially dangerous place to build the facility due to this geohazard;

- There would be risks associated with building the TSF near this known geohazard that could be avoided by selecting the Meadow Creek Valley location in the other alternatives;

- This alternative would delay project construction and mining by two years, which would adversely impact Midas Gold, those seeking employment at the SGP, and the communities expecting tax revenues from the project; and

- This delay would also defer the environmental restoration work by two years, which does not benefit the environment.

Alternative 4:

- The road network would parallel Johnson Creek and other streams which would increase operational and environmental risks that a spill of a hazardous substance from a delivery truck would reach the waterway;

- There would be increased potential for sedimentation and runoff impacts due to the proximity of the roads to streams;

- This alternative would delay project construction and mining by two years, which would adversely impact Midas Gold, those seeking employment at the SGP, and the communities expecting tax revenues from the project; and

- This delay would also defer the environmental restoration work by two years, which does not benefit the environment.

V. Modern Mining Regulatory and Financial Assurance Requirements

Many WMC members have expertise with the regulations governing modern mining operations and the financial assurance requirements for today's mines. We have first-hand experience that these regulations provide comprehensive and effective environmental protection that stands in dramatic contrast to the mining and waste disposal practices used at Stibnite during the 1940s and 1950s when the federal government was involved with tungsten and antimony mining to support the military. The legacy mine features that are creating environmental problems, including the SODA mine waste pile and the Yellow Pine Pit barrier to fish migration, were created during wartime mining efforts.

The SGP is designed to avoid creating similar environmental problems because it will meet or exceed the protection standards in current federal and state environmental protection laws and regulations, including the 228A regulations discussed above, that require mines to be designed, built, operated, closed, reclaimed, and maintained to protect the environment. Whereas mine wastes were disposed in stream valleys and directly on the ground during the 1940s and 1950s mining operations, today's regulations mandate the use of proven environmental protection technologies like impermeable liners, waste management systems, and water treatment facilities.

Consistent with modern regulatory requirements, the SGP has been carefully designed with a number of environmental safeguards. For example, the proposed TSF will be fully lined, the embankment will be constructed using the most stable

configuration (e.g.; the downstream construction method) and will be buttressed with 65 million tons of geochemically benign development rock. The processing facilities will be equipped with state-of-the-art air emission control technologies. The project facilities will be carefully monitored to verify the environmental protection measures are functioning properly and are in compliance with the project's permit conditions.

Midas Gold's PRO includes a detailed reclamation plan, which is another reason the SGP will protect the environment. Unlike the wartime operations that did not take any steps to reclaim the site when mining was done, the SGP will be responsibly closed and fully reclaimed. To guarantee reclamation of the site, Midas Gold will have to provide financial assurance to the Forest Service and to the Idaho Department of State Lands (IDL) to cover the agency's costs to reclaim the site if for some reason Midas Gold cannot complete the reclamation work. Furthermore, that bond will be required to be in place prior to the commencement of any of the proposed activities.

Page 2-75 in the Draft EIS provides a good overview of the financial assurance requirement:

> "As part of the approval of a plan of operations for the SGP, the PNF Forest Supervisor would require Midas Gold to post financial assurance to ensure that NFS lands and resources involved with the mining operation are reclaimed in accordance with the approved plan of operations and reclamation requirements (36 CFR 228.8 and 228.13). This financial assurance would provide adequate funding to allow the Forest Service to complete reclamation and post closure operation, including continuation of any post closure active or passive water treatment, maintenance activities, and necessary monitoring for as long as required to return the site to a stable and acceptable condition. The amount of financial assurance would be determined by the Forest Service and would "address all Forest Service costs that would be incurred in taking over operations because of operator default. (Forest Service 2004)."

During the U.S. Environmental Protection Agency's (EPA's) CERCLA 108(b) rulemaking, the Deputy Chief of the National Forest System provided detailed comments to EPA in response to EPA's proposed CERCLA 108(b) rule[1]. The following excerpts from the Forest Service's comments to EPA amplify the discussion on Page 2-75 of the Draft EIS:

> "The Forest Service regulations at 36 CFR §228 already direct mineral operators to minimize effects on the environment, thus preventing or minimizing the likelihood for the need of a CERCLA response action, and requires FA (Financial Assurance) to assure not only compliance with operating procedures set forth in the approved plan, but all reasonably foreseeable costs of compliance with applicable environmental laws and standards.

[1] Ibid. at pp. 7567, 7571, 7572, 7579,

> The Forest Service identifies appropriate engineering controls for closure before they become necessary in the approved plan of operations, and collects adequate funds via the reclamation bond to ensure that these controls are in place and that the site is appropriately reclaimed in the event that the owner/operator is unable or unwilling to do so.
>
> The site administration during operations, and reclamation bonds and long term funds held by the Forest Service ensures that these engineering controls are put in place during mining activity, and properly secured during closure even if the operator declares bankruptcy or is otherwise unable to perform proper closure activities to ensure environmental protection.
>
> Additionally, Forest Service regulations at (CFR § 228.4(e)) allow the agency to require a modification to the Plan of Operations and reclamation plan and to allow for bond adjustments to address unforeseen environmental effects. In this way, risks are administratively minimized while a mine is in operation.
>
> The operating plan approved by the Forest Service is designed to ensure compliance with all environmental laws and prevent releases, and the bond required by the Forest Service is sufficient to insure compliance with that plan. The Forest Service bond calculations include allowances for reasonably foreseeable contingencies."

The long-term funds mentioned in the Deputy Chief's comments provide another level of assurance. If the Forest Service and IDL determine the potential need for long-term site monitoring, operation of a water treatment facility, or maintenance of project infrastructure, the tailings embankment, or other site-specific project components, they will require Midas Gold to provide a separate long-term financial instrument like a trust fund in addition to the financial assurance instrument to guarantee reclamation.

VI. The Antimony Produced at the SGP will Help Respond to the National Critical Minerals Emergency

WMC has been concerned about the Nation's reliance on foreign countries for many critical minerals, including antimony, for a number of years. Antimony will be mined as a byproduct of the gold to be produced at the SGP and will become the country's only domestic antimony mine. According to Midas Gold, the SGP will produce roughly 100 million pounds of antimony during the life of the mine, which will satisfy approximately 30 percent of the U.S. annual demand for antimony[2].

[2] https://www.midasgoldcorp.com/site/assets/files/2422/2020-10-20_midas_gold_presentation-full.pdf

In 2018, the U.S. Geological Survey (USGS) published a critical minerals list that included antimony[3]. The USGS' 2020 Minerals Commodity Summaries[4] shows that the U.S. imported 84 percent of the antimony the country used in 2019. Over one-half of this antimony was imported from China.

Antimony is used for a number of essential defense, renewable energy, safety and aerospace purposes including:

- Flame retardants
- Ammunition and munitions
- Specialized metals
- Ceramics and glass
- Plastics
- Composite materials for aircraft
- Submarine and warship nuclear shields
- Camouflage
- Night vision equipment
- Electric vehicle batteries
- Wind turbines
- Solar panels

The antimony used to manufacture electric vehicle batteries, wind turbines, and solar panels will help the State of Idaho and the Nation achieve low-carbon energy objectives. Recent research shows great promise for the development of rechargeable, high-capacity antimony-aluminum batteries for use in electric vehicles.[5]

President Trump recently reiterated his concerns about the country's reliance on imports of critical minerals from foreign countries – especially adversarial nations like China. The President's September 30, 2020 Executive Order (EO) 13953 entitled "Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries" has significance to the SGP. This EO states that our dependence on the People's Republic of China for multiple critical minerals is "particularly concerning" and declares a critical minerals national emergency:

> "I…determine that our Nation's undue reliance on critical minerals…from foreign adversaries constitutes an unusual and extraordinary threat…to the national security, foreign policy, and economy of the United States. I hereby declare a national emergency to deal with that threat."

One of the directives the President established to address this national emergency requires agencies to:

> "…examine all available authorities of their respective agencies and identify any such authorities that could be used to accelerate and encourage the development and reuse of historic coal waste areas, *material on historic mining sites*, and abandoned mining sites for the recovery of critical minerals." (EO, Sec. 6, emphasis added).

[3] https://www.federalregister.gov/documents/2018/05/18/2018-10667/final-list-of-critical-minerals-2018
[4] https://pubs.er.usgs.gov/publication/mcs2020
[5] https://iopscience.iop.org/article/10.1149/1945-7111/ab9405

Midas Gold's proposal to reprocess and repurpose the 10.5 million tons of legacy tailings and spent leached ore in the Meadow Creek valley is precisely the type of action that the EO mandates. The SGP will provide some of the antimony the country needs and will help lessen our critical minerals national emergency.

VII. Conclusions

The environmental benefits, the jobs, and the antimony the SGP will provide make it a project of great importance to Idaho and the country. WMC therefore strongly urges the Forest Service to publish the Final EIS and the Record of Decision to authorize the SGP as soon as possible. We believe EO 13953 creates an imperative for the Forest Service to accelerate the NEPA process for the SGP and prepare the Final EIS and Record of Decision as quickly as possible. We therefore suggest the Forest Service expand its Purpose and Need statement in Section 1.4.1 of the DEIS to add compliance with this new critical minerals EO.

We are not alone in recognizing the importance of the SGP. The Council on Environmental Quality (CEQ) recently designated the SGP as a High Priority Infrastructure Project[6] and created a permitting dashboard for this project. The dashboard shows September 1, 2021 as an estimated completion date for the environmental review and permitting for this officially designated important infrastructure project. WMC requests that the Forest Service complete the NEPA evaluation for the SGP in time to meet the September 2021 timeline.

WMC applauds Midas Gold for developing the PRO, which is an exemplary and visionary plan to finance a brownfields cleanup by redeveloping a previously mined district. The planned integration of environmental restoration with a modern, state-of-the-art mining project will transform Stibnite from a site degraded by decades of pre-regulation mining activities to a fully reclaimed site that will create enduring environmental benefits for numerous stakeholders. The SGP will create hundreds of well-paying jobs and generate substantial tax revenues for local, state, and federal governments. Both Midas Gold and the Forest Service should be commended for their efforts on advancing this project.

Please do not hesitate to contact WMC if you have any questions about our comments. We very much appreciate the opportunity to submit these comments on the Draft EIS for the SGP.

Sincerely yours,

Debra Struhsacker
WMC Co-Founder and Board Member

[6] https://www.permits.performance.gov/permitting-project/stibnite-gold-project