



P.O. Box 1808, McCall, ID 83638
www.savethesouthforksalmon.com

September 25, 2020

BY ELECTRONIC MAIL - Please Confirm Receipt

Linda Jackson, Payette Forest Supervisor
linda.jackson@usda.gov
500 North Mission Street
McCall, ID 83638

Kevin Knesek, PNF Deputy Supervisor
kevin.knesek@usda.gov
1387 S. Vinnell Way
Boise, ID 83709

Re: Freedom of Information Act Request

Dear Ms. Jackson and Mr. Knesek:

On behalf of Save the South Fork Salmon (SSFS), I hereby request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the following seven documents listed in the reference section of Chapter 8 for the Stibnite Gold Project Draft Environmental Impact Statement (DEIS):

- M3, Lime Kiln for On-Site Lime Production at Stibnite (2018);
- McMillen Jacobs Associates, East Fork South Fork Salmon River (EFSFSR) Tunnel Design Documentation Report (Nov. 20, 2018);
- STRATA, Inc., Geologic Hazard Assessment, Golden Meadows Project (December 2, 2013);
- STRATA Inc., Geologic Hazard Assessment. Proposed Burntlog Access Road Alignment Valley County, Idaho (2016);

- STRATA, Inc., Preliminary Feasibility Study Slope Designs for Three Proposed Open Pits at the Golden Meadows Project in the Stibnite Mining District, Valley County, Idaho (2014);
- Tierra Group International, Ltd., Stibnite Gold Project Geotechnical Investigations Summary Report and Appendices (2018);
- URS, Site-Specific Seismic Hazard Analysis for the Golden Meadows Project, Idaho (June 3, 2013).

In light of the ongoing and contentious public policy controversy regarding the Stibnite Gold Project, and only about two weeks left until the October 13, 2020 deadline for the public to submit comments on the Stibnite Gold Project DEIS, I note that **time is of the essence** in this matter. There is a great need for prompt disclosure. SSFS's experts have been reviewing the environmental analyses in DEIS. Lack of access to the above-listed documents will prejudice SSFS's ability to adequately provide public comments during the environmental review under the National Environmental Policy Act (NEPA) on this immensely controversial project.

FOIA mandates that an agency release any portions of a document that are not exempt. In the event that access to any of the requested records is denied, FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. I, therefore, request that I be provided with all non-exempt portions which are reasonably segregable. I further request that you describe the deleted or redacted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination and in formulating arguments in case an appeal is taken. The USFS's written justification might also help to avoid unnecessary litigation. SSFS, of course, reserves its right to appeal the withholding or deletion of any information and expect that you will list the office and address where such an appeal can be sent.

I also request that you waive any applicable fees since, as detailed below, disclosure meets the statutory standard for waiver of fees in that it is clearly "in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. § 552(a)(4)(A).

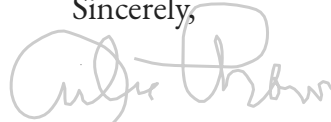
The Ninth Circuit has held that if a non-profit organization has "identified why they wanted the [documents], what they intend to do with [them], to whom they planned on distributing [them], and the [relevant] expertise of their membership," then a fee waiver is

appropriate. *Friends of the Coast Fork v. U.S. Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997). SSFS has hired several expert scientists in the relevant fields of study to review the DEIS, and these experts have identified these documents as relevant and necessary to a thorough analysis of the potential environmental impacts of the Project. Moreover, the requested documents are essential to the public's understanding and assessment of the impacts from, and agency review of, the proposed Stibnite mine. SSFS has substantial ability to disseminate such information, both through publications, alerts, and through postings on its Internet website, <https://savethesouthforksalmon.com>.

In any case, filling this request should require no more than two hours of search time and no more than 100 pages of documents, so there should be no fee charged to provide the requested document(s).

As required by the FOIA, a response to this request and production of the records must be made within 20 working days of your receipt of this letter. 5 U.S.C. § 552 (a)(6)(A)(i). **Due to the exigent circumstances, SSFS requests the responsive documents immediately.** Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Thrower", with a long, sweeping underline that extends to the right across the page.

Julia Thrower
Attorney for SSFS