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Op- Ed: Midas Gold decides not to take responsibility for mining- caused water pollution, and files a lawsuit against the U.S. Forest Service

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CEO [Laurel Sayer recently announced](#) that Midas Gold Corporation took “ a necessary step to protect Midas Gold from being held responsible for alleged water pollution from lands owned and managed by the U.S. Forest Service.” This step was a [lawsuit filed by Midas against the U.S. Forest Service](#) on August 18th, 2020, for Clean Water Act violations due to historic mining in the Stibnite Gold Project area, which left tributaries of the East Fork South Fork Salmon River with elevated levels of contaminants (heavy metals and sediment).

A minor, but important correction; the Forest Service does not own National Forest lands. We the people, collectively own our public lands. The Forest Service is the administrator that acts on behalf of the public. In essence, this action by Midas claims that this pollution is the responsibility of the people of the United States, not the mining industry that caused it.

In 2019, the Nez Perce Tribe filed a lawsuit against Midas Gold for violating the Clean Water Act by allowing the same pollution to continue in the East Fork South Fork Salmon River, where Midas holds mining claims and hopes to extract nearly 5 million ounces of gold. Midas responded with an attempt to have the case dismissed, but was [denied by the court](#).

This brings a critically important question: if Midas doesn't want to be responsible for mining pollution on public lands now, will they in the future after dumping their waste in Payette National Forest?

Midas Gold's Stibnite project would occur mostly on undisturbed public land, extracting gold from 3 open pits with cyanide leach processes, and depositing 100 million tons of contaminated mining materials behind a 400-foot high dam in the undisturbed Meadow Creek valley, burying critical habitat for Bull Trout and Chinook Salmon. That's just the tip of the iceberg for the unavoidable impacts; looming risks of [tailings dam failure](#), [acid mine drainage](#), and [cyanide spills](#) are another story.

Midas Gold representatives repeatedly claim that the Stibnite Gold Project will "address legacy environmental issues left by previous mining operators". Also, Midas Gold's PR team often reminds people that "actions speak louder than words". So, let's take a look at the actions that Midas Gold Corporation has taken to date:

- Midas lobbied the Trump administration for permission [to write their own Biological Assessment](#), a critical component of the federal environmental review process under the National Environmental Policy Act.
- Midas lobbied at the state level [to change Idaho code and allow Corporate Assurances](#) as a financial guarantee for cleanup of the project. If Midas goes bankrupt (which often happens to mining companies near the completion of mining operations), a Corporate Guarantee is worthless and would leave taxpayers with the cleanup bill.
- Midas lobbied at the state level to change Idaho code regarding the use of cyanide for processing ore, a critical regulation for protecting water quality.
- Midas filed [a motion to stay and dismiss the lawsuit brought by the Nez Perce Tribe](#) for illegally releasing pollutants into the EFSF Salmon River.
- Midas [filed a lawsuit against the Forest Service](#) in August 2020, for pollution that comes from their own mining claims.
- Midas promoted a misleading article from [The Daily Caller](#), that made the false claim that "environmentalists are trying to block the cleanup of an abandoned Idaho mine that is leaking arsenic, antimony and other toxins into nearby rivers and streams."

The lawsuit filed on August 18, 2020, by Midas Gold against the U.S. Forest Service, in addition to these other actions, undermines their own efforts to demonstrate transparency, goodwill, and that more mining can fix the problems caused by mining.

Midas Gold continues with immense effort to convince Idahoans that their project will restore salmon to the headwaters of the South Fork Salmon River. IRU, along with many partner organizations, our members, and more, are skeptical. But what does the science tell us?

The [Draft Environmental Impact Statement \(DEIS\) for the Stibnite Gold Project](#), provides an answer to this ongoing debate. The Stibnite Gold Project, as proposed by Midas Gold Corporation, **will adversely impact Endangered Species Act listed Chinook Salmon, Steelhead, and Bull Trout.**

Unfortunately for Midas, this contradicts their narrative of a plan to “restore the site” . A critical premise for building support for their proposed project is to clean up legacy mining impacts, and restore fish passage for salmonids past the Glory Hole, or Yellow Pine Pit, to the upper East Fork of the South Fork Salmon River. Following years of scientific studies and environmental impact analysis recently published in the DEIS, **the results demonstrate that even with backfilling the Glory Hole and stream restoration efforts, the irreversible damage caused by the Stibnite Gold Project will result in a net loss of suitable habitat for Chinook Salmon, Steelhead, and Bull Trout.** The primary causes are destruction of habitat, increases in water temperatures, and decreases in streamflow from mining activities. That’s just if everything goes as planned. But as history has shown, [most modern gold mines pollute water with accidental spills of contaminants.](#)

Midas Gold has repeatedly made the false claim that they are the only entity capable of restoring the upper EFSF Salmon River. So, if actions speak louder than words, let’s take a brief look at the actions of other parties involved and truly invested in protecting and restoring the South Fork of the Salmon River.

The Nez Perce Tribe continues to work extensively to restore declining Chinook Salmon populations, and currently spend nearly [\\$2.8 million a year](#) to protect salmon and habitat in the South Fork Salmon River basin. Multiple government agencies have spent over [\\$7 million on-site restoration since 1997](#), including removal of 35,000 cubic yards of tailings and restoration of 3,200- foot section of [Lower Meadow Creek](#). Upon successful completion of the project, former Krassel Ranger District Fish Biologist Mary Faurot stated, “ Now that it’s cleaner up here, we’re feeling better about working on fixing the barrier down below (nearly vertical rocks left from mining operations which fish cannot get past) ..and maybe getting back some populations of species like Chinook, steelhead, migratory bull trout, and migratory cutthroat.”

Both federal agencies and the Nez Perce Tribe have indicated restoration of fish passage at the Yellow Pine Pit (Glory Hole), which is on private land, as a near term possibility and priority. The tribe even submitted a fish passage project proposal to the [2007- 2009 Northwest Power and Conservation Council Fish and Wildlife Provincial Review](#) and was approved for funding, but the private land became inaccessible for the project when acquired by Midas Gold Corporation. Government agency and tribal efforts to restore the Stibnite area stopped in 2012, when new mineral exploration began by Midas Gold Corporation.

Midas Gold's Idaho team has done many positive things in the Valley County community in efforts to build alliances and support. When it comes to the claim that another large scale gold mine can "restore the site" at Stibnite, it's clear that their actions, both to date and proposed, don't pan out. If Midas Gold Corporation truly believes that they can "restore the site", they need to go back to the drawing board and come up with a much better plan to do so.