

**January 10, 2023**

**To:** Payette National Forest and the Intermountain USDA Regional Office

**Re: Stibnite Gold Project EIS #50516 – Comments on the DEIS and Supplemental DEIS**

**From:** Kay Hummel, 420 E Crestline Drive, Boise, ID 83702 Email: kayhum160@gmail.com

## **Introduction**

The East Fork Salmon River and South Fork Salmon River drainage is an outstanding, vital area in central Idaho. Its unique resources are centered on clean water and the steep, erosive Idaho batholith and what used to be the most prolific run of Chinook salmon in Idaho. I first visited this place as a five-year-old and have recreated, skied and hiked in the South Fork nearly every month of the year. This DEIS and SDEIS are inadequate. They do not fully consider cumulative environmental impacts and economic consequences as required under NEPA. The analysis also is lacking in its consideration of species protected under the Endangered Species Act.

## **Endangered Salmon**

The proposed mine at Stibnite: re-mining some of the lands & expanding elsewhere, with attendant heavy loads and chemical transportation activities, should not be permitted until central Idaho salmon runs, especially the South Fork runs, are restored to fishable population levels. Currently, these fish runs are on the brink of extinction. Billions have been spent to bring them back. Now, it appears we actually may be on the verge of recovery, with the widespread recognition of the need to remove the four Lower Snake River dams. The Stibnite mine should not be permitted until salmon again migrate from and to the South Fork and its tributaries. The searing lessons of the 1960s road building disasters here remain evident. Recent avalanches also underscore the fragility and riskiness of mineral or timber extraction work in the South Fork. Federal laws mandate the fish recovery.<sup>1</sup> And, Native American fishing and hunting tribal rights here are obligatory, too.

## **Severe Disturbances are Likely, Planning Steps are Deficient, Federal Statute Violations**

I find that the planned back-filling of both the old Yellow Pine and Hangar Flats pits are highly risky actions with uncertain outcomes and deficient planning. These processes mostly rely on waste rock mined from the lowest grade deposits within the West End pit, waste with various chemical residues and compounds. The agencies need to exercise extreme caution AND demonstrate much better analysis and protections around mine sequencing: if any step goes awry, which is totally conceivable in this

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<sup>1</sup> In *National Wildlife Federation v. National Marine Fisheries Service*, 524 F.3d 917, 933 the Ninth Circuit Court issued the definitive holding that, “federal agencies take no action that will result in the ‘destruction or adverse modification’ of designated critical habitat.” (*from* 16 U.S.C. 1536(a)(2)). *This is the core* of the Endangered Species Act (ESA) applied to some of the most critical and sensitive habitat **already designated** in central Idaho for these species: chinook salmon (listed Endangered for decades; critical habitat), bull trout (federally Threatened), Snake River Basin Steelhead (federally Threatened, designated Critical Habitat), West Slope Cutthroat trout (Threatened).

geologically erosive – landslide prone area, the Payette National Forest will end up with deeper and larger mining pit holes in the Stibnite area than currently exist now.

The documents should foresee and plan in detail to completely close mining down if milestones for reclamation cannot be reached. Otherwise, the USFS and operator's actions will do certain harm to water quality and anadromous and native fishes. Nez Perce peoples' treaty rights, cultural sites and resource resiliency would again be reduced, violated. The Forest has the obligation to adhere to all regulations of the 1972 National Environmental Protection Act (NEPA), the Clean Water Act (CWA) and the Payette and Boise National Forest Plans carried out through the National Forest Management Act (NFMA) <sup>2</sup> throughout the drainage as well as the ESA and treaties with sovereign nations.

### **Reclamation / Pit Closure**

Idaho has a glaringly poor track record in successful mining reclamation. The Forest Service/BLM and the public have time and again been left with the costs of legacy clean ups. We have a too-full history of "after mining landscapes"-- from north Idaho to Owyhee County, nearby Warrens, Idaho City, Triumph and onto the Main Salmon -- small and large mine clean ups / reparations that were inadequate or simply never were performed. The principal actors left town or went bankrupt. Tribes and citizens have been left with ongoing health effects and permanent, reduced use of resources. Idaho DEQ is underfunded. Reclamation bonds generally are too small or weren't required. Nearly 400 million tons of mine waste rock will remain at the Stibnite site forever. I am dubious that these waste piles will remain stable and free of leaks in coming years. Despite modern technological improvements, the failure rate of modern mining waste piles throughout the West is significant. While Perpetua may pledge many things, there is scant evidence that Idaho mine clean ups happen well.

### **Hazardous Materials, Transport and Natural Events**

I find it curious or a gross oversight that the SDEIS lacks project-specific spill risk calculations for potential numbers of spills, and spill probability. These may occur during mine construction and during operation.

The documents do not comprehensively analyze transportation links to the Boise Valley on Highway 55 and on both extended ends of U.S. Highway 95 South and North for supplies and materials transport during the project life. It appears that and any potential adverse impacts will have no mitigation to taxpayers from accidents involving large semi-truck loads and the weight of heavy equipment traversing central Idaho highways and our local roads through Banks, New Meadows, Donnelley, McCall and Cascade. Most of these roads parallel protected water ways with significant recreation or wildlife and fisheries.

The SDEIS and DEIS fail to plan for 'uh-oh' incidents that have a high probability of occurring in the South Fork – due to weather events, various natural processes, and because of mechanical or human

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<sup>2</sup> Statutes governing my concerns and this EIS process: National Environmental Protection Act (NEPA), the Clean Water Act (CWA), the National Forest Management Act (NFMA), the federal Endangered Species Act (ESA). Also, *pertaining to groundwater contamination*: Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Superfund federal statutes, as amended.

failure. The DEIS therefore is deficient. It likely does not comport with the adopted Payette National Forest Plan or NEPA.

### **Social and Economic Impacts to Local Communities**

The study by Powers Consulting has been added to the record.<sup>3</sup> This provides solid information on the DEIS' and SDEIS' analytical shortcomings vis a vis the local economy, visitor-ship, employment and transport risks in Ada, Boise and Valley Counties and beyond. You should review the Powers Consulting study and incorporate its information on the extraordinary negative impacts of a transient workforce, the DEIS's incorrect housing and educational cost assumptions versus the existing, high value of natural amenities in this unique part of Idaho.

### **Conclusion / Next Steps**

We, my family and friends, rely on the critical federal statutes mentioned above to keep the unparalleled South Fork mostly wild and free from damage. Especially as the chance for restoring South Fork salmon runs now is possible. I have walked the South Fork Salmon from the Secesh to Mackay Bar during a rainy May and spent many days on foot, skis, bicycle and swimming in this watershed. This place is important to me. We have observed Congress and the USFS spend millions of dollars here, some of it on questionable efforts, but also some of the funds well intended to repair regrettable past damage to habitat and resources.

The National Environmental Policy Act (NEPA) requires you to consider cumulative impacts of resource and building projects on federal lands. With the numerous steps required for Perpetua's Stibnite development, over a 7 to 10-year time frame, ongoing impacts from digging up and moving/storing 392 million tons of rock material can build on one another, inducing damaging ecological feedback loops or preventing the Tribes and public from using the area. The proposed untested **mile-long tunnel** to reconnect to historic salmon rearing tributaries upstream also poses a large question. Irreversible resource damage is a component of NEPA that must be well analyzed and prevented.

Couple the transportation challenges, environmental safeguards, road construction and mining actions **with documented climate change and extreme weather occurrences** (such as slope failures, rain on snow events) -- officials and the public cannot underestimate the possibility of cumulative, negative change to resources and local communities over time. The agencies must fully analyze cumulative effects in detail. The DEIS and SDEIS on the Stibnite Gold Project do not do this. And they fail to consider logical steps to close mining should negative, irreversible and unacceptable impacts arise for the South Fork Salmon's vital resources. These DEIS deficiencies signify that the project should not go forward, that a No action alternative is the correct course.

This EIS process also should be reopened or extended for an additional 45 day comment period. The DEIS is deficient in numerous ways, as outlined above.

*Please include my comments in the public record. Sincerely,*

**Kay Hummel** \* Boise, Idaho \* January 10, 2023

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<sup>3</sup> Powers, Dr. Thomas & Donovan Powers, Ms. "An Evaluation of the Potential Socio-Economic Impacts of the Proposed Stibnite Mine on Valley County, Idaho." December 2022.