



File Code: 2160
Date: November 8, 2021

The Honorable Mike Simpson
U.S. House of Representatives
2084 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Simpson:

Thank you for your letter of October 1, 2021, cosigned by Congressman Russ Fulcher, regarding the Stibnite Gold Project. I apologize for the delayed response.

Thank you for sharing your appreciation for the Forest Service's work reviewing this project. Perpetua Resources submitted a refined Proposed Action for the Stibnite Gold project, referred to as ModPRO2, to the Forest Service in December 2020. One of Perpetua's stated reasons for updating the Proposed Action is in response to public comments on the August 2020 Draft Environmental Impact Statement (DEIS), specifically minimizing anticipated environmental impacts and reducing proposed new surface disturbance.

Perpetua submitted technical reports describing the refined Proposed Action's projected environmental effects. Some methods used in these technical reports to estimate impacts are different than those used in reports for the August 2020 DEIS. As a result, some of the predicted environmental impacts are different than those described in the August 2020 DEIS.

The Forest Service and cooperating agencies are conducting a detailed review of the ModPRO2 information. Due to the changes in the Proposed Action, alternatives, and environmental effects for some resources, the Forest Service decided to prepare a Supplemental DEIS for the Stibnite Gold project instead of proceeding with a final DEIS. Publication of the Supplemental DEIS is scheduled for spring 2022. The Forest Service estimates that the final EIS will be available in late 2022 and a record of decision in summer 2023. This project's advancement remains a priority for the Payette National Forest and the Forest Service Intermountain Region.

Regarding Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability in the Stibnite Mining District, the Forest Service has been party to the following Federal consent decrees:

- Mobil Corporation (2000)
- Oberbillig Estate (2003)
- Bradley Mining Company (2012)

The settling federal agencies received a covenant not to sue in these decrees for protection from future CERCLA claims in connection with the Stibnite Mine site.



The Spent Ore Disposal Area (SODA) referenced in your letter and in the 2000 settlement agreement with Mobil Corporation is on private land and is therefore U.S. Environmental Protection Agency (EPA) CERCLA jurisdiction. The Forest Service does not have additional information regarding the EPA's decisions on the referenced cap or how those decisions contributed to current site conditions. I recommend contacting the EPA regarding these matters.

The U.S. Department of Agriculture (USDA) received approximately \$36,000 from the 2003 Oberbillig Estate settlement for the Stibnite and Cinnabarne sites. USDA's Forest Service also received approximately \$160,000 from the 2012 Bradley Mining Company settlement for the Stibnite and Springfield Mine sites. All these funds were used to cover a portion of the cleanup costs incurred at Stibnite Mine. The Forest Service conducted several cleanup actions between 1992 and 2013 at a cost exceeding \$5.2 million. There is currently no other settlement funding for Stibnite Mine.

Thank you again for your interest in the Stibnite Gold Project. Should you have further questions, please contact Kathryn Conant, Intermountain Regional Director of Lands and Minerals, kathryn.conant@usda.gov. A similar response is being sent to Congressman Fulcher.

Sincerely,



MARY FARNSWORTH
Regional Forester

Enclosure (1)

cc: U.S Representative Russ Fulcher

Congress of the United States
Washington, DC 20515

October 1st, 2021

Mary Farnsworth
Regional Forester
United States Forest Service
Intermountain Region
324 25th Street
Ogden, UT 84401

Dear Ms. Farnsworth:

We are writing to express our appreciation for the work and collaboration between you and your staff and Perpetua Resources in moving forward with the review of the Stibnite Gold Project.

We are impressed by its scope, the significant thought that has been put into rehabilitating the area, and the conservation measures that will take place prior to, during and at the conclusion of the project. It is imperative that the area will be left in much better environmental condition than it is today. We are very pleased that the project managers are aware of and embrace the notion that for their project to succeed, they must make conservation the highest priority while they create a path for success for this very important and critical business venture.

As you are aware, this appears to be a unique project in which conservation, business, and national security can all be advanced. The development of the project would provide the first real means to clean up a historically neglected and still contaminated site, leaving it in a much more stable, clean, and environmentally sound state going forward, in addition to improving conditions for fish. For Idahoans, this will mean significant business opportunity with economic benefits, job creation, and care for our environment. It will also provide much needed strategic and critical minerals for the security of our nation and help to decrease our reliance on foreign nations, which is of great importance to us.

Given the need for this project to move forward, we are hopeful that you and your staff will be able to maintain the timeline for completing the new Supplemental Draft Environmental Impact Statement with the apparent goal of a Record of Decision by June of 2023.

In addition, we would like to get your input on the status of apportioned CERCLA liability within the area. We have been told that the Stibnite Mining District has been subject to multiple Federal consent decrees under the Superfund law where the federal agencies involved with the site have attempted to resolve their liability for site cleanup. These included the U.S. Department of Agriculture, the Department of the Interior, the Department of Commerce, the Department of Defense, the General Services Administration, and the Environmental Protection Agency.

We have been made aware that in the 2000 Mobil Oil consent decree, the United States apparently reserved a right to enforce Mobil's financial obligation (not to exceed \$1.1 million)

for the costs of building “an impermeable cap” at an area of the Stibnite Site known as the Spent Ore Disposal Area (SODA). That consent decree indicated that if Mobil were to build the cap on the SODA site, the company would receive a credit. From previous trips to the Stibnite Site, it appeared that the “impermeable cap” called for at the SODA site in the Mobil Oil consent decree was never built. We are advised that as a result, an estimated ten tons of arsenic has loaded into Stibnite’s surface and groundwater since the time from when the cap was supposed to have been in place. Can you please provide information as to why the cap was not built on SODA and if the Federal government ever pursued Mobil Oil to build the impermeable cap on SODA as called for in the Mobil Oil consent decree?

Lastly, we understand that in 2012, several of the Federal agencies mentioned above once again attempted to resolve their CERCLA liability in the Bradley Mining Company consent decree. Cleanup funds from several sources were identified for many contaminated sites in that consent decree, including Stibnite. Can you please provide us with information on what, if any, funds from the 2012 Bradley consent decree may have been dedicated for any cleanup actions specific to the Stibnite Mining District?

There is no doubt that this is a very complicated and complex process that involves numerous private parties and governmental agencies who were involved in what was historically a very important government operation that resulted in consequential environmental degradation to the area. We believe your answers to the prior questions will provide significant clarification and assist all parties involved in the current regulatory process.

We want to thank you again for all your efforts on this project and look forward to your response to our inquiries above. Please feel free to contact our offices in Washington, D.C. for any reason regarding this or any other subject relating to our federal lands. We look forward to your response no later than October 22nd, 2021.

Sincerely,

Handwritten signatures of Russ Fulcher and Mike Simpson in blue ink.

Russ Fulcher
ID (01)

Mike Simpson
ID (02)