

U.S. Forest Service
Payette National Forest
Attn: Forest Supervisor Linda Jackson
500 N. Mission Street, Building 2
McCall, Idaho 83638
Sent via electronic Delivery: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=50516>

Dear Supervisor Jackson and IDT Team,

Thank you for the opportunity to provide comments on the Supplemental Draft Environmental Impact Statement (SDEIS) prepared for the Perpetua Resources Idaho, Inc. proposed operations at Stibnite as outlined in the original Plan of Restoration and Operations in 2016 and later modified in 2019 and submitted as MODPRO2 in 2019. I know how much effort went into this and its taxing on staff and happy to see the work get put down to paper. I am in support of the project as outlined in MODPRO2/the preferred alternative.

I have been involved with the project since its initial conception as one of the founding scientists over a decade ago and currently am a part time employee of Perpetua. I should also note the comments and opinions here are mine and do not necessarily represent those of my employer. I am a career professional geologist with over 35 years of experience exploring for mineral deposits and managing natural resources. I have worked as a Certified Minerals Administrator for the USFS where I managed locatable, leasable and saleable minerals and worked on abandoned mine land assessments and clean-up activities in Idaho's Silver Valley so I am familiar with the issues and challenges the USFS faces with projects of the scale and scope. As I learned in my days with the USFS, issues bring opportunities and that has been the approach the team on this project has taken since the project's initial inception. Anyone who states otherwise is clearly unfamiliar with or has chosen to ignore the background and hard facts related to this project. I invite you and your team to read carefully the public comments you receive and to disregard the rhetoric and stick to the facts. The project administrative record is thick, robust and based on sound science and many years of baseline data collection done by or under the supervision of qualified independent environmental consultants reporting to the USFS and operating under work plans approved by not only the USFS but by other cooperating and collaborating agencies. The level of effort spent here is more than adequate to provide a sound environmental disclosure and assessment document as required by the National Environmental Policy Act (NEPA).

Adequacy of Public and Stakeholder Scoping and Involvement

This project proponents have made all aspects of the project transparent since its initial inception. When the project began over a decade ago Perpetua's predecessor established an open-door policy to any and all stakeholders, including staunch anti-mining activists with the community, state and region. This included actual direct invitations to tour the site anytime, invited or not to view activities, monitor environmental and exploration activities and to ask questions. The company staff have tried hard through the years to fulfill those promises of transparency and free access to project data, people, and to have an open and honest dialog. The project opponents will argue otherwise and claim the company has some

secret ulterior motive(s) and goes about its business behind closed doors and in secret. I think you will find the facts of the matter speak to the former, not the latter.

Routine guided tours, public open houses, public Q&A office days, posting of site information posters for unguided site visitors at key areas, and a web site to ask questions are just some of the many tools the Perpetua corporate team has used to make staff and project information available to stakeholders. In addition to the company's efforts, individually the company's team has routinely volunteered its time and energy to community events where informal Q&A and stakeholder interaction can and has occurred. These corporate and private levels of involvement have led to modifications to the company's plans multiple times after the staff heard about issues raised by stakeholders and then took actions to try and address them. This "*hear and react*" process is the very heart and substance of NEPA's goals – to insure the public and stakeholders are made aware of the implications of a proposed federal action. Much of this occurred *before* the NEPA process started to try and minimize wasting USFS regulatory and interdisciplinary team members' time and effort generating alternatives that were not viable.

Add to this the agency's extended time periods for scoping and comments for the original DEIS and the SDEIS – there is little question the project has been adequately scoped and that there has been more than enough opportunity for the public and regulatory agency stakeholders to get involved, participate in the process and provide comments. The Notice of Intent to Prepare an Environmental Impact Statement was published in the federal register on June 5, 2017 (Federal Register, Vol. 82, No. 106, Monday, June 5, 2017, Notices, 25759. Since then, the USFS has held five adequately noticed USFS public meetings in local communities and Boise for the original DEIS and the current SDEIS. Comment periods for both the original DEIS and SDEIS were extended beyond the required 45-days periods to 75 days each. The USFS Web site has and continues to provide a plethora of project related documents as does the company's web site – so arguments by opponents that they do not have adequate scoping or ability to comment are ludicrous. All of this USFS outreach is well documented in Chapters 1.8 and 1.9 (pp. 1-14 to 1-15) and Chapter 6 (pp. 6-1 to 6-16). Given this backdrop I urge you to review the SDEIS as promptly as possible and expedite the project FEIS and ROD and approve the MODPRO2 with any necessary additional mitigation measures so the project can move forward.

Comments on the Scope, Scale and Contents in the Overall SDEIS Document

The SDEIS is a vast improvement over the original DEIS and I applaud the efforts by the USFS IDT team, the cooperating and collaborating agencies and their contractors in making this document more concise and correcting errors in the original DEIS. I also commend the USFS for eliminating impracticable alternatives that were in the original DEIS from the SDEIS such as the Tailings Storage Facility in the East Fork South Fork Salmon drainage above Meadow Creek. I should note that many factual errors still remain throughout the document and should be corrected prior to the publication of the FEIS and ROD. Instead of providing details here, I will defer to the list of factual errors developed by the company itself and provided to the USFS as a formal comment response and hereby incorporate the company's response herein.

I do wish to note however, that throughout the various sections in Chapter 4, Environmental Consequences, there is a marked tendency to describe impacts and effects to the respective impacted resources with language that implies very little consideration to the proposed reclamation and restoration efforts that are *part of the proposed project plan of operations* (emphasis added). The company's proposal not only included the proposed development and extraction operations, but also the completion of

extensive site reclamation and restoration well beyond that required by state and federal statutes. This occurs in a number of resource areas descriptions in the respective Chapter 4 and 5 sections including those on wetlands, vegetation, soils and to a lesser extent wildlife.

This failure, while not a fatal flaw does provide a seemingly biased view of the project to the public stakeholders who may not be familiar with the site nor details of the project proposal. I would suggest, that during review and preparation of the FEIS and ROD that a close look at the language being used be completed to ensure the tone and tenor of this chapter reflects the reality, and not misrepresent the project with a negative bias. Site reclamation and restoration are part of the project proposal and repeated references to the proposed action's irreversible and irretrievable commitments without due consideration of the full proposed actions (which include not only statutory required reclamation, but also restoration) presents an unnecessary and inappropriate negative bias to the analysis of the proposed project.

Range and Effectiveness of the NEPA Alternatives

As you and your team know, the NEPA requires development of alternatives of the proposed federal action. Those alternatives are in effect, a method to weed out project components that would unnecessarily cause environmental or ecological degradation and/or that do not meet the purpose and need. Prior to submission of the original Plan of Restoration and Operations in late 2016 the company spent many years evaluating individual project components in an attempt to define the least impactful, environmentally sound, practical methods to conduct mineral extraction and restoration activities at the site. This exercise was completed using a series of trade off studies that are well document in the project administrative record and also available in the company's public filings and disclosures.

The company in effect completed a review of project components much like that needed during NEPA alternatives analysis prior to even submitting its initial operating plan proposal to the USFS and State regulatory agencies. This factor should not be ignored or overlooked. Project opponents will suggest that there are inadequate alternatives, but in reality there were many more alternatives reviewed by the company, its independent consultants AND these studies were made available to the Federal and State regulatory IDTs to better understand the "why" of the various project components before and after the Plan or Restoration and Operations was originally filed. The NEPA process did not need to overly complicate the process by addition of numerous impracticable alternatives and indeed it ultimately did not in this SDEIS. The formal NEPA process includes evaluation of six action alternatives and the no action alternative....more than adequate to meet the requirements of NEPA to evaluate a range of alternatives.

I am in favor of the Burnt Log Road access route and the MODPRO2 as the preferred alternative to the project. This alternative was one of several changes to the project outline - the result of the company going back to the drawing board after the initial DEIS and led to a revamp of several of the major project components to reduce and/or eliminate/change some project components to minimize impacts further. These changes were the result of input from stakeholders including the Federal and State regulatory IDTs and the public – again the very heart of NEPA, public involvement successfully improved the project. The result a modified version of the original plan that resulted in:

- A significant reduction in the total volume of mined and processed materials (-44 million tons);
- Elimination of one of the waste rock storage facilities reducing the footprint (-168 acres);
- Overall reduction in the project footprint over the original design (-13%);
- Reduction of anticipated surface water temperatures to baseline conditions or below;
- Elimination of the need for permanent water treatment;

Comments on the Project Itself

Modern mining projects are inherently complicated in order to insure that there are no long term unnecessary impacts - unlike past operations decades or even a century ago. The Stibnite site has been the subject of extensive ground disturbing activity for nearly 100 years with a significant amount of impacts that remain today from WWI-WWII era operations that were in part and significantly sponsored by the Federal government. These efforts were focused on providing war time raw materials to support American and Allied manufacturing (metallic alloys for bearings and electronics), fire retardant manufacturing and munitions. The resultant impacts were significant, long lasting and the result of many factors including lack of environmental regulations at the time, rapid and emergency need for the raw materials mined at the site and, at the time, a lack of understanding of the long term impacts of the mining and processing operations. Today, the industry, regulators and scientists know much more than operators and regulators did 100 or even 50 years ago. The result is a plethora of environmental regulations and financial assurance mechanics with “teeth” to ensure operations are conducted according to approved plans and make sure adequate financial assurances exist to remedy problems should something ever go wrong. Some facts about the project below to keep in mind while having to wade through the thousands of comment letters you and your team will have to digest.

FACT:

Perpetua did not participate in any prior mining activities on the site, nor is it even a successor to any prior mine operators; nevertheless, the company has a stake in seeing this area restored both from a business standpoint and as bona fide Good Samaritans. This did and will not come without costs or controversy.

FACT:

The company’s business model has led to the commitment of enormous amounts of capital, time and resources to evaluate the site’s environmental conditions and find practical way to address long term and still existing environmental damages using private capital versus taxpayer funds. A novel idea, but in reality, the only way the environmental damages on this site will ever get fixed. These sums dwarf expenditures by any federal or state agency conducting assessments or cleanups. If one questions this approach, ask, why then has another party not stepped up and restored fish passage through the Yellow Pine Pit. Mining ceased there in 1952. So, for 70 years this blockage has existed, and it somehow will just magically fix itself? I think not and its time to cut through the rhetoric and face the fact that it will not happen without outside capital given the costs, engineering complexity and scale of such an endeavor. Perpetua has put forth a well thought out plan to fix this issue (and others on the site with private capital and has involved stakeholders throughout the planning process for over a decade. Its time to get off the

analysis paralysis train and get this project approved so environmental and ecological repairs can get underway.

FACT:

The US government owned and managed much of the now contaminated land at the time of waste disposal, and under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") is responsible for some (much of) the damages. In fact, the federal government did not just own the land, it actually facilitated exploration, development and mining at the site. U.S. officials at the highest levels, up to and including President Franklin D. Roosevelt, directly prioritized and facilitated large-scale mineral exploration and mining of tungsten and antimony at Stibnite before, during, and after WWII. If there is any question, keep in mind documents available in the USFS offices in McCall, in the National Archives and in court records (where a Federal judge determined the USFS and other federal agencies were liable for past damages to the site) clearly show It actually conducted underground mining, funded and built infrastructure including ore processing facilities and in the parlance of CERCLA are Potentially Responsible Party (PRP). Why then is the site still in the condition it's in. In a nutshell lack of funds, lack of engineering and construction capabilities and maybe even the lack of willpower to do it. Its not like the USFS is actually in the dirt moving business...it's not and the scale of the "fix" at Stibnite is indeed at the scale of large-scale mining. Putting Band-Aids on the site was and is all the federal agencies can really do, when the site actually needs surgery.

Perpetua, on the other hand, has made the commitment and already spent tens of millions of dollars and is currently spending millions more of its own dollars cleaning up the site and the damages that are a direct the result of that past federal activity. It is doing so voluntarily under an Administrative Settlement Agreement and Order on Consent (ASAOC) under CERCLA authority – with little hope of seeing reimbursements from the government. The rest of the cleanup will require even more capital – something clearly not something the federal government intends to do and why this project is so important to move forward so the rest can get done.