January 10, 2023

Submitted Electronically To:

*https://www.fs.usda.gov/project/?project=50516*

Ms. Linda Jackson

Payette Forest Supervisor

Stibnite Gold Project

500 North Mission Street, Building 2

McCall, ID 83638

**Re: Stibnite Gold Project
Supplemental Draft Environmental Impact Statement
Forest Service, Region 4, Payette and Boise National Forests
Valley County, Idaho
EIS No. 20220154**

Dear Ms. Jackson:

I am submitting these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) published by the Payette and Boise National Forests (Forest Service) for Perpetua Resources Idaho Inc.’s (Perpetua) proposed Stibnite Gold Project (SGP) in Valley County, Idaho. 87 Fed. Reg. 65,203 (October 28, 2022) (Notice of Availability).

1. **Identity and Interest of the Commenter**

I am the Vice President of Permitting for Perpetua Resources Idaho, Inc. (PRII), the wholly owned subsidiary of Perpetua Resources Corp. and the operating entity for the Stibnite Gold Project. I am responsible for managing the review of the SGP under the National Environmental Policy Act (NEPA) in addition to securing all of the ancillary permits for the Project with the State of Idaho agencies as well as local governments.

I am a native Idahoan. I graduated from Idaho State University with a degree in Geology and have managed and participated in permitting mining projects in Idaho and North America. Prior to becoming the Vice President for Permitting for PRII, I was responsible for successfully navigating the Rasmussen Valley Mine Project for Agrium Conda Phosphate in Southeast Idaho. As with the Stibnite Gold Project, that project involved Forest Service lands (in addition to lands administered by the Bureau of Land Management). I am familiar with the intersection of active mine sites and cleanup issues as is being encountered with the Stibnite Gold Project through my previous work on the Rasmussen Valley Mine Project. And like Stibnite, the Rasmussen Valley Project included design features such as backfilled pits, covers to protect groundwater quality, and protection of existing and future beneficial uses of groundwater both on the project site and outside of the mine area.

As a native Idahoan with international mining experience, I greatly value the vision of the Stibnite Gold Project. The chance for an Idaho based Company to restore an abandoned and neglected mine site through responsible resource development is both rare and exceptional. And this opportunity is underscored by the likelihood that absent the SGP, the Stibnite Mining District will remain abandoned while its legacy conditions worsen.

1. **Comments**
2. **The Stibnite Gold Project will be Regulated by a Universe of Federal and State Environmental Law**

Each workday, I am reminded of the complex permitting framework that must be successfully navigated if the Stibnite Gold Project is going to be constructed and operational. It is fair to state that, through all of the necessary ancillary permits, the SGP will be required to adopt and manage every environmental construct involving water, air, listed species and their habitat, and hazardous waste management that has been enacted into law. That permitting infrastructure is wholly separate from the exercise of legal authority by the Forest Service to approve the Plan of Restoration and Operation for the Project.

I am providing below a menu of the plentiful legal authority and permits that the SGP will be required to initially accommodate and then comply with in order to begin construction and operation. I list the appropriate law and permits separately in this comment letter to stamp an exclamation point on the distinction that the evolution of a proposed action through NEPA, where the impact of an action on the environment is analyzed (but not legally “permitted”), is conceptually distinct from the regulatory framework that Perpetua will welcome as the Project moves into construction and operation.

**Federal**

Clean Air Act

* Permit to Construct (PTC) (see State of Idaho)

Clean Water Act

* Section 402 NPDES (see State of Idaho)/SWPPP
* Section 404 Individual Permit for stream and wetland impacts

Endangered Species Act

* Section 7 Consultation with USFWS/NOAA Fisheries

National Historic Preservation Act

* Cultural/Historical Impacts Analysis

**State of Idaho**

Clean Air Act (Permit to Construct (IDEQ))

Clean Water Act

* IPDES Water Discharge (IDEQ))
* 401 Certifications (IDEQ)

Cyanidation Permit (IDEQ)

Groundwater Management Program Point of Compliance (IDEQ)

Waste Water Permits (IDEQ)

Solid Waste Permit (IDEQ)

Water Rights (IDWR)

TSF Dam Safety & Construction Permit (IDWR) -

Reclamation Plan Approval (IDL)

Right of Way Encroachment (ITD)

**County/Local Government**

Planning & Zoning

Local Health District Permits

Building Permits

Road Use Authorizations

Conditional Use Permits

These are the laws that the Stibnite Gold Project will comply with *every day* in order to operate. It is difficult to imagine any gaps in Perpetua’s regulatory compliance portfolio for the SGP.

And some laws, such as the Federal Endangered Species Act (ESA), will rightfully direct the early business model of the SGP to direct, for example, the avoidance of habitat destruction and the taking of listed species. However, upon closer examination, the Stibnite Gold Project is instead purposefully designed to *fulfill*, not confront, the ESA’s vision of species recovery and habitat restoration. For example, the Project’s fish tunnel will provide *temporary* support for species migration until the historic hydrology over the Yellow Pine Pit can be replicated through the Project’s ongoing restoration activities during operations. Further, the Project’s long-term water quality improvements cannot be discounted as an investment in future better habitat within the Stibnite Mining District.

But for the Stibnite Gold Project, the unfortunate legacy of species protected under the ESA and blocked from their natural migration patterns – not to mention ever-degrading water quality - will continue for the foreseeable future.

1. **Perpetua Resources Diligently Designed and Reevaluated the Environmental Integrity of the Proposed Mine Plan of the Stibnite Gold Project under NEPA**

I have personally managed the evolution of the original proposed action to the Preferred Alternative now appearing in the SDEIS for public review. The resources and expertise dedicated by Perpetua to making the 2021 MMP the quality action alternative speaks for itself but does not, alone, provide the full picture of Perpetua’s dedication to make the Stibnite Gold Project the best it can be economically and environmentally.

To be clear, the SGP is a mining project lawfully anchored in the 1872 Mining Law. Just as the Clean Air Act, Clean Water Act and Endangered Species Act are longstanding expressions of legal authority set forth by Congress, so too is the 1872 Mining Law. But the Stibnite Gold Project is not proposed to be constructed in a National Park or in the heart of Idaho wilderness. Rather, it is proposed to operate squarely in a contaminated, legacy area of Idaho left abandoned and neglected by the Federal government.

The Project designers inherited an environmental underpinning to build an operating mine that at best can be described as dreadful. The SDEIS at E-5 so concedes the challenge: “Currently, there are ongoing releases of hazardous substances, pollutants, and contaminants to surface water and groundwater at the site including elevated concentrations of antimony, arsenic, copper, lead, mercury, and cyanide. Most notable are elevated concentrations of arsenic and antimony.” From the start, the Project had to address these legacy conditions with the full understanding that the magnitude of legal permitting and subsequent compliance would have to be accounted for in the development of the NEPA proposed action.

As the data was collected and analyzed, no one on my Permitting Team ever deferred diligently working through what we were understanding from the modeling and then translating the results into a better Project design. The comments we reviewed from the DEIS only spurred us to double down on our efforts. Perpetua will be separately providing comments on the particulars of the environmental improvements and Project efficiencies in the Preferred Alternative, but the Company was relentless in searching for and crafting solutions to the environmental problems we encountered beginning from the original Plan of Restoration and Operation to the 2021 MMP.

1. **The Preferred Alternative as Identified by the Forest Service Should Become the Selected Alternative in the Record of Decision for the Stibnite Gold Project**

As set forth in the SDEIS, the Preferred Alternative (2021 MMP) comfortably fits the Purpose and Need of this NEPA review because it minimizes adverse environmental impacts on Forest Service public lands and includes measures that mitigate environmental impacts and reclaims surface disturbance. As this comment letter is written, the NEPA action alternative endorsed by Perpetua is in its third improved incarnation.

As its track record evidences, Perpetua always seeks to improve the Stibnite Gold Project. My Permitting team will welcome public feedback on the SDEIS as it did – and acted upon – from the DEIS.

But every day the Project is delayed is one more day that an Idaho miner (and family) will be deferred from the economic promise of employment at Stibnite. And each day’s postponement of the SGP’s plan to remove the waste rock and reprocess the ore grade tailings left behind in their unlined state at the Spent Ore Disposal Area is one more day that arsenic will continue to load into Meadow Creek at the rate of approximately 1100 pounds a year.

From managing the beneficial changes that culminate with the 2021 MMP identified as the Preferred Alternative in the SDEIS, I am confident that this action alternative is worthy of being designated the Selected Alternative in the Final EIS and ultimately the Record of Decision. Certainly, some minor adjustments may be in order based on Perpetua’s commitment to continually improve the Project. But what is presented to the public and cooperating agencies in the 2021 MMP fulfills the opportunity to advance responsible resource development under the 1872 Mining Law.

1. **Conclusion**

As a native Idahoan who enjoys all of the outdoor activities that the Gem State has to offer and one who is concerned about the environment, water quality and protection of fish and wildlife, I strongly support the Stibnite Gold Project as being right for our Great State of Idaho. The entire Perpetua team and I have worked determinedly to consider all comments and modify our plans accordingly throughout the NEPA process, and we have ultimately progressed to the best and most protective mine plan possible.

With the foregoing, the USFS should expeditiously advance the 2021 MMP as the Selected Alternative in the Final EIS and push forward to a Final Record of Decision for the Stibnite Gold Project.

Sincerely,



Alan D. Haslam

Vice President, Permitting

Perpetua Resources Idaho, Inc.