IDAHO MINING ASSOCIATION

P.O. Box 1660 • Boise, ID 83701
208.342.0031 • mineidaho.com

Submitted Electronically To:
https://cara.fs2c.usda.gov/Public//CommentInput?Project=50516

INSERT DATE

U.S. Forest Service, Payette National Forest
Attn: Linda Jackson, Payette Forest Supervisor
Stibnite Gold Project
500 North Mission Street, Building 2
McCall, ID 83638

RE: Comments on the Payette and Boise National Forests' Supplemental Draft Environmental Impact Statement for the Stibnite Gold Project

Dear Ms. Jackson:

I. Introduction

As the trade association representing Idaho's mining industry, the Idaho Mining Association (IMA) could not be prouder that the Gem State has the opportunity to become the home of the Nation's only domestic antimony project. After reading the Department of Defense's December 19, 2022 announcement[1] that it has awarded up to $24.8 million through a Technology Investment Agreement under Title III of the Defense Production Act (DPA) to Perpetua Resources Idaho, Inc. (Perpetua), it is obvious that the country urgently needs the antimony that Perpetua is proposing to mine from the Stibnite Gold Project (SGP) in Valley County, Idaho. According to the Department of Defense, the Stibnite deposit is "the sole domestic geologic reserve of antimony that can meet Department of Defense (DoD) requirements[2]." Development of the SGP clearly is important to the country.

IMA strongly supports the SGP. In submitting these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for the SGP that the Payette and Boise National Forests (Forest Service) published in October 2022, we urge the Forest Service to complete the National Environmental Policy Act (NEPA) process and publish a Final EIS and Record of Decision (ROD) approving the SGP as soon as possible in 2023. The Nation's need for a domestic source of antimony to reduce the country's reliance on imports of this critical mineral dictates there is urgency for the Forest Service to approve the SGP.

---

[1] https://www.defense.gov/News/Releases/Release/Article/3249350/DoD-issues-248m-critical-minerals-award-to-perpetua-resources/

[2] *Ibid.*

A. About the Idaho Mining Association

IMA is a non-profit, non-partisan, state-wide trade association located in Boise, Idaho. IMA is the recognized voice in support of exploration and mining in the state of Idaho. Our purpose is to advocate for a sustainable mining industry that benefits our state and local communities, while advancing the mineral resource and mining related interests of our members. We represent and inform our membership on legislative, regulatory, safety, technical, and environmental issues that surround the mining industry. We are committed to the protection of human health, the natural environment, and a prosperous mining industry.

Since 1903, IMA has represented miners and mining companies engaged in mineral exploration, mineral developments, and land reclamation throughout the state of Idaho. Our membership also consists of companies and industries that provide services to the mining industry within the state. IMA and its members are dedicated to responsible and sustainable mineral extraction in Idaho and our member companies continue to utilize and explore more innovative and science-based methods to extract minerals needed for everyday life while protecting and preserving the environment in Idaho for future generations. IMA members live, work and play in Idaho's National Forests, including the Payette, Boise, and Salmon-Challis National Forests where the SGP project area is located.

IMA has been involved with the SGP for many years and is therefore quite familiar with Perpetua's proposed project. In October 2020, IMA submitted detailed comments on the Forest Service's August 2020 Draft Environmental Impact Statement (DEIS). Today's comments on the SDEIS augment our October 2020 comments on the DEIS.

II. Antimony from the SGP is Critical to the U.S. Military and Utility-Scale Storage Batteries

The following statements from DoD's December 19, 2022 DPA award announcement telegraph that the SGP is a nationally-important project and underscore the importance of the SGP to the Nation and the U.S. military:

> "This investment is essential to ensure the timely development of a domestic source of antimony trisulfide for the manufacture of small arms and medium caliber cartridges, as well as many other missile and munition items."
>
> "This action reinforces the Administration's goals to increase the resilience of our critical mineral supply chains while deterring adversarial aggression.[3]"

The stated purpose of DoD's award is to help Perpetua "complete environmental and engineering studies necessary to obtain a Final Environmental Impact Statement, a Final Record of Decision, and other ancillary permits." IMA interprets this as the DoD sending a strong signal to the Forest Service about the importance of expediting the preparation of the Final EIS and issuing the ROD to approve this project.

[3] *Ibid.*

In addition to the military's needs for antimony from the SGP, the storage battery manufacturing industry is also a keen user for the antimony to be produced from the SGP. As explained in Perpetua's August 2021 press release[4] announcing its agreement with Ambri Inc. ("Ambri"), antimony is used in utility-scale storage batteries. Under this agreement, Perpetua will supply a portion of the antimony produced from the SGP to Ambri, which is a U.S. company that has developed an antimony-based, low-cost liquid metal battery for the stationary, long-duration, daily cycling energy storage market. Ambri's antimony-based battery combines technological innovation with commercial applications for low-cost, long lifespan and safe energy storage systems that will increase the overall contribution from renewable sources to help enable the transition to green, carbon-free power grids The clean energy use of antimony is another compelling reason why the SGP is so important to the Nation.

III. Recent Administrative and Congressional Critical Minerals Directives

The SGP embodies several key objectives in the Administration's and Congress' recent critical minerals policies. First, the SGP will become the Nation's only source of domestically mined antimony[5], which is one of the critical minerals included in the U.S. Geological Survey's (USGS') critical minerals list[6]. Secondly, as a remining project, the SGP is a perfect demonstration project for the remining goals embraced in recent statutes, Executive Orders, and other federal decisions. The remining components of the SGP include:

1) Reprocessing and recovering gold and antimony from legacy mine wastes with recoverable metal values; and

2) Removing non-valuable mine wastes from area streams where they are currently leaching metals and degrading water quality and placing these wastes in modern, engineered facilities designed to isolate these materials from the environment.

As explained in the DoD's DPA award announcement, the U.S. military has a critical need for the antimony from the SGP:

> "This investment is essential to ensure the timely development of a domestic source of antimony trisulfide for the manufacture of small arms and medium caliber cartridges, as well as many other missile and munition items."

Since publication of the Draft EIS in August 2020, there have been several Administrative and Congressional critical minerals actions that are directly relevant to the SGP including the following:

[4] https://www.investors.perpetuaresources.com/investors/news/2021/perpetua-announces-antimony-supply-agreement-for-ambri-battery-production

[5] https://pubs.usgs.gov/periodicals/mcs2022/mcs2022-antimony.pdf. The U.S. does not have any domestic antimony mines and currently obtains antimony from China Belgium, and India.

[6] https://www.usgs.gov/news/national-news-release/us-geological-survey-releases-2022-list-critical-minerals

- President Trump's September 30, 2020 Executive Order 13953 entitled "Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries;"

- President Biden's February 24, 2021 Executive Order 14017 "On America's Supply Chains."
    - This Executive Order directed the Secretaries of Commerce, Energy, Defense, and Health and Human Services to complete a supply chain review in 100 days and specified that the Secretary of Defense must prepare "a report identifying risks in the supply chain for critical minerals" and describe and update the work done pursuant to President Trump's Executive Order 13953 on critical minerals.

- The June 2021 report "Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth," which is the 100-day Supply Chain Review Report prepared in response to Executive Order 14017;

- The March 2022 "Request for Information (RFI) to inform the Interagency Working Group on Mining regulations, Laws, and Permitting" in the Federal Register (Vol 87, No. 62) published by the Office of the Secretary of the Department Interior.
    - One of the questions in the IWG's RFI pertains specifically to critical minerals and asks: "What types of incentives would be appropriate to encourage the development of critical minerals?;" and

- The March 2022 announcement that President Biden was invoking his authority under Title III of the Defense Production Act and gave the Department of Defense the authority to increase domestic mining and processing of critical minerals that are used for storage batteries.

The June 2021 100-Day supply chain report includes a 53-page critical minerals section prepared by the DoD that outlines the following key findings:

- Strategic and critical minerals and materials are the building blocks of a thriving economy and a strong national defense.

- Critical minerals and materials are used in nearly every electronic device, support high value-added manufacturing and high-wage jobs, in numerous sectors;

- The global strategic and critical materials and minerals supply chains are at serious risk of disruption—from natural disasters or *force majeure* events, and are rife with political intervention and distortionary trade practices.

- This risk is more than a military vulnerability; it impacts the entire U.S. economy and our values.

- The need for strategic and critical materials is likely to intensify to enhance or enable many environmentally friendly "green" technologies, such as electric vehicles, wind turbines, and advanced batteries.

- Expanding U.S. production and processing capacity will require investments in mining, including in non-traditional types of mining, in processing, and in recycling.

The 100-day supply chain report is directly relevant to the SGP because this report explicitly requires the Secretaries to evaluate reprocessing mine wastes as a viable source of critical minerals. As a remining and reprocessing project that will recover the critical mineral antimony from legacy mine wastes, the SGP is exactly the type of remining project described in the 100-Day Report.

The SGP demonstrates the opportunity that exists at old mine sites to recover critical minerals from legacy mine wastes while concurrently remediating a site impacted by past, unregulated mining practices.[7] As a prototype remining project, putting the SGP into production would be an important milestone in validating the concept that redeveloping and remediating old mine sites by remining and reprocessing legacy mine wastes represent a significant win for both the environment and the security of the Nation's critical minerals supply chains.

The SGP also illustrates another important principle about the technical and economic challenges encountered at legacy mine sites. At many sites, including the Stibnite Mine, it may not be feasible to address all of the problematic legacy features in a mine plan that passes economic scrutiny. The substantial but partial restoration of the SGP proposed in the MMP illustrates the merits in pursuing partial cleanup measures that may ultimately lead to a more comprehensive restoration plan.

For more than two decades, unrealistic and unachievable cleanup requirements have stymied policy and legislative debates about cleaning up abandoned mines. This stalemate has largely prevented both the private and public sectors from getting involved with legacy sites. The phased remediation scenario envisioned for the Stibnite Mine (see Section VII below) shows how stepwise site restoration measures represent a viable path for cleaning up old mines. The MMP initiates a path towards a site-wide, comprehensive cleanup that is achieved incrementally. The phased cleanup envisioned for the Stibnite Mine could potentially be applicable to other legacy mine sites.

IV. The SGP Will Become an Economic Engine for Central Idaho

A. The Final EIS Should Include a Clearer Discussion of the Economic Benefits from the SGP

The SGP will create many high-paying jobs, pay substantial local and state taxes, and stimulate economic diversification in the region. However, the SDEIS is not written in a way that makes it easy to understand these socioeconomic benefits. Although Section 4.21 of the SDEIS documents the numerous socioeconomic benefits that would result from the SGP, it lacks a useful overall synthesis of the beneficial socioeconomic impacts to facilitate the public's understanding of how the project will benefit the State of Idaho, Valley County, and surrounding areas. Section 4.21 in

[7] The federal government mined antimony and tungsten from the Stibnite Mine during World War II and the Korean War. Mining at Stibnite during World War II is credited with saving over one million American soldiers' lives and shortening the war by at least one year. (1956 Congressional Record)

the Final EIS would be enhanced by including a table that summarizes the socioeconomic benefits that are discussed in Section 4.21 of the SDEIS.

IMA is disappointed that the Executive Summary in the SDEIS does not accurately describe the socioeconomic benefits that are discussed in Section 4.21 of the SDEIS. In fact, we are concerned that the Executive Summary paints the wrong picture because it omits a thorough overview of the economic benefits. Instead, it sends mixed signals about the project's socioeconomic impacts. For example, it mentions increased tax revenue benefits on Page ES-29, but then, on the following page, it questions whether there would be a net socioeconomic tax revenue benefit.

At a minimum, the Executive Summary in the Final EIS should list the following beneficial socioeconomic impacts that would result from the SGP:

- $29.3 million in income to local residents;
- $71.6 million in income statewide;
- $133 million in annual expenditures of for goods and services in Idaho;
- 1,820 direct, indirect, and induced jobs during construction;
- 1,150 direct, indirect, and jobs during the 15-year operating period; and
- 190 jobs during closure and reclamation.

Another shortcoming of the Executive Summary is its inaccurate discussion of the potential for "boom and bust" impacts following mine closure, which fails to mention the Stibnite Foundation[8]. Both the Executive Summary and Section 4.21 in the Final EIS need to acknowledge that this Foundation will mitigate the potential for a bust once the SGP is closed. The Final EIS should explain that this agreement between Perpetua and eight local communities will provide these governments with resources that can help them maximize the mine's long-term benefits and ensure that economic benefits from the mine are realized for generations after mining operations cease.

B. The Headwaters Criticism of the Socioeconomic Analysis is Conjectural Fear Mongering

The Forest Service should ignore the recently released Idaho Headwaters Economic Study Group (Headwaters) report entitled "An Evaluation of the Potential Socio-Economic Impacts of the Proposed Stibnite Mine on Valley County, Idaho" that criticizes the IMPLAN[9] modeling results in Section 4.21 of the SDEIS. The Headwaters report inappropriately presupposes that Perpetua will not obtain goods and services locally for the SGP. This speculation is nothing more than an unfounded prediction designed to distract the Forest Service and create doubts about the SGP's socioeconomic benefits. Moreover, it ignores the explanation in Section 4.21.2.2 of the SDEIS that IMPLAN and the data used to estimate regional or local economic impacts comply with the Data Quality Act[10]. Because the data and the use of that data in the IMPLAN analysis in Section 4.21 comply with the Data Quality Act, the socioeconomic impact analysis presented in Section 4.21 of the SDEIS clearly takes a hard look at socioeconomic impacts as required by NEPA.

[8] http://stibnitefoundation.com/
[9] IMPLAN is a widely used and well-known socioeconomic modeling assessment methodology that has been used to evaluate impacts from many other proposed projects, including proposed gold mines.
[10] Section 515 of Public Law 106-554.

The Headwaters' crystal ball is quite murky when it comes to Perpetua because it fails to acknowledge (or purposefully disregards) Perpetua's track record of working constructively with local communities to ensure they will benefit from the SGP. Headwaters' skepticism completely dismisses Perpetua's corporate values, the Company's approach to responsible mineral production, its sustainability goals[11], and its actions to implement these goals by creating the far-sighted, generous, and voluntary Stibnite Foundation discussed above. The Forest Service and the public should disregard the Headwaters report because it is utterly conjectural, dreaming up a theoretical scenario that does not match Perpetua's actions or the Company's commitments to the communities.

V. The Clarity and Consistency of the Impact Analysis Can be Improved in the Final EIS

IMA was glad to see that your October 21, 2022 Dear Reader Letter announcing the availability of the SDEIS described Perpetua's Modified Mine Plan (MMP) as "reducing surface disturbance and anticipated environmental impacts." However, we are concerned that the SDEIS does not convey this same message because it does not clearly or consistently describe the MMP's environmental improvements compared to the Plan of Operations/Proposed Action (the ModPRO) evaluated in the 2020 Draft EIS.

Fortunately, the data presented in the SDEIS (especially in the figures and tables) present a clear picture that the MMP will substantially improve water quality in the project area and downstream from the project and restore miles of stream and fish habitat. In the Final EIS, the Forest Service needs to edit the document to improve the consistency and clarity of the text so that it more clearly matches the data shown in the figures and the tables – especially in Section 4.9 on Surface Water and Groundwater Quality.

A. The Executive Summary Does Not Accurately Summarize the SDEIS Findings

Because most members of the public will not have time to read the entire SDEIS, they will probably rely on the Executive Summary to understand the SGP and the associated benefits and environmental impacts. Unfortunately, as written, the Executive Summary devotes more effort to discussing the adverse impacts rather than highlighting the water quality improvements and habitat restoration that would result from the MMP. The Executive Summary needs to give equal weight to the impacts and benefits associated with the MMP – especially the proposed restoration activities to address problems stemming from the legacy mine waste features.

It is curious that the Executive Summary downplays these benefits when the Environmental Consequences chapter of the SDEIS contains abundant and detailed analyses and data that clearly show water quality and fish and stream habitat improvements. The Executive Summary in the Final EIS needs to describe these beneficial impacts more clearly so they are consistent with the data presented in the SDEIS.

[11] As documented in Perpetua's 2021 Sustainability Report, the Company's sustainability goals are: safety, environmental responsibility, community involvement, transparency, accountability, and integrity and performance. See https://perpetuaresources.com/wp-content/uploads/Perpetua-Resources-2021-Sustainability-Report.pdf

The Executive Summary in the Final EIS also needs to mention two significant environmental restoration measures in the MMP, Stibnite Lake and Blowout Creek, both of which are omitted from the Executive Summary in the SDEIS. The MMP's addition of Stibnite Lake is a significant environmental enhancement compared to the ModPRO analyzed in the Draft EIS. Perpetua is proposing to construct this lake in the backfilled Yellow Pine Pit to mitigate the loss of the Yellow Pine pit lake fish habitat area and to minimize stream temperature fluctuations. This project refinement is in response to the public comments received on the Draft EIS that voiced concerns about the loss of lake habitat for fish and fluctuating stream temperatures. The Executive Summary in the Final EIS should describe the beneficial impacts associated with Stibnite Lake and give credit to Perpetua for listening to and acting upon the public comments on the Draft EIS to improve the project.

Also, the Executive Summary in the Final EIS needs to acknowledge the reclamation activities planned for Blowout Creek, which is currently a major source of sedimentation into the Yellow Pine Pit and the East Fork of the South Fork of the Salmon River (EFSFSR). The earthworks and revegetation restoration work in Blowout Creek that are part of the MMP will substantially eliminate this major sedimentation impact.

The Executive Summary discusses water quality improvements in a very confusing and misleading way. Page ES-15/16 states:

> The MMP would improve some of the existing water quality conditions observed in Meadow Creek and the East Fork SFSR by removing and repurposing legacy mine wastes. However, the 2021 MMP would have direct permanent impacts on water quality, as it would contribute new sources of mine waste material to the East Fork SFSR drainage[12].

As written, the second sentence negates the first sentence leaving the reader to wonder whether there will be net water quality improvements. At the very least, this paragraph needs to have a third sentence that explains the many state-of-the-art environmental protection measures and mine waste management design features that will prevent, limit, or mitigate impacts from project mine wastes.

The Surface Water and Groundwater Quality section in the Executive Summary does a poor job of clearly explaining that the Site Wide Water Chemistry (SWWC) predictive modeling results for the downgradient prediction node at YP-SR-2 show water quality improvements during and after mining. Despite the fact that Figures 4.9-21 and 4.9-25 are easy to understand and clearly document that the MMP will improve water quality at YP-SR-2, the Executive Summary in the SDEIS never mentions these figures or quantifies the water quality improvements shown in these figures. The Executive Summary in the Final EIS needs to explicitly state that the SGP will achieve significant reductions in arsenic levels (40 percent) and antimony levels (58 percent) as predicted at YP-SR-2 compared to baseline conditions. The Executive Summary would be greatly enhanced by including Figure 4.9-21. If including a figure is inconsistent with the Forest Service's editorial guidelines for an Executive Summary, the Executive Summary in the Final EIS should at least reference Figures 4.9-21.

[12] This paragraph also appears on Page 4-317 of the SDEIS.

It is very important for all sections of the Final EIS to present a transparent and balanced discussion of the data in the SDEIS and the Specialist Reports that discloses both the impacts and benefits associated with the SGP. Both the Executive Summary and the Final EIS should give equitable treatment to the positive and the negative impacts. Based on the Executive Summary's emphasis on the impacts and minimization of the project benefits, it appears that the Forest Service is reluctant to highlight the environmental benefits (especially the water quality improvements) that will result from the remediation activities integral to the MMP. This seems odd because the Forest Service should be eager to find ways to improve the environmental conditions in the Payette and Boise National Forests – especially projects where there is a private-sector entity like Perpetua that is proposing to make the substantial investment needed to improve the environment.

IMA understands that the Forest Service cannot give a full-throated endorsement of the SGP and must remain neutral during the NEPA process. But maintaining neutrality demands adherence to the facts and a full and balanced disclosure of both the positive and negative impacts associated with a proposed action. There are abundant facts presented in the SDEIS and the Specialist Reports that document the beneficial impacts as well as the unavoidable or residual adverse impacts that would result from the MMP.

In preparing the Final EIS, the Forest Service has the opportunity to present the data described in the SDEIS in a more balanced way that does not emphasize the adverse impacts while subordinating the beneficial impacts. This "balancing act" is largely an editing exercise to use the information in the SDEIS to discuss the spectrum of impacts associated with the SGP and to eliminate any internally inconsistent statements in the document. By editing the document in this manner, it will be easier to read and more useful to the public.

B. Section 4.9 Could be Improved by Editing it for Consistency

IMA had to re-read Section 4.9 a couple of times before we were able to understand the water quality impacts discussion because it is not written in a way that is easy to understand. In fact, the discussion was very hard to follow until we saw Figure 4.9-21 "Locations for Surface Water Chemistry Predictions Stibnite Gold Project" on Page 4-246. This figure clearly and succinctly shows that the Site Wide Water Chemistry (SWWC) predictive model predicts the MMP will significantly reduce the concentration of arsenic and antimony in streams in the project area compared to the existing baseline levels of these metals. The most important data shown on Figure 4.9-21 are for the downstream prediction node, YP-SR-2, which is located downgradient of the mine facilities, below the confluence of Sugar Creek and the EFSFSR.

Unfortunately, the SDEIS does not do a good job of explaining the importance of the modeling results at this downgradient monitoring point. Despite the fact that Figure 4.9-21 presents a very useful and easy-to-understand synthesis of the SWWC predictive modeling results, the SDEIS glosses over this important finding and fails to capitalize on Figure 4.9-21 to explain the water quality improvements. Because these improvements are one of the main environmental accomplishments that would result from the MMP, it is important for the public to understand this predicted outcome. The Final EIS should highlight this finding and explain that improved water quality downgradient from the mine area is one of the most significant indications that the SGP will improve the environment.

As an example of the less than ideal organization of Section 4.9, IMA, like all SDEIS readers, had to wade through 64 pages of Section 4.9 before getting to the essential information that the project will improve water quality downgradient from the site. This key finding should not be buried on the 64th page of Section 4.9. IMA urges the Forest Service to edit Section 4.9 in the Final EIS to make it more useful and easier to read by presenting a synthesis of the key findings at the beginning of this section.

Additionally, Section 4.9 contains some internally inconsistent text that is puzzling and obscures the water quality improvements that will result from the SGP. Besides being confusing, the contradictory statements are problematic if they are read in a vacuum or if project opponents parse them out of the document and selectively use them to assert the project will not improve water quality. For example, the discussion on Page 4-251 of the SDEIS misrepresents the modeling results at YP-SR-2:

> "Downstream of the project on the East Fork SFSR at node YP-SR-2 (below the confluence with Sugar Creek), predicted surface water chemistry *is largely unchanged from existing conditions* with some variability in predicted antimony, arsenic, and mercury concentrations during the operating and initial closure period (**Table 4.9-21** and **Figure 4.9-25**)." (italics added for emphasis, bold in the original.)

IMA strenuously objects to characterizing a 40 percent reduction in arsenic concentrations and a 58 percent reduction in antimony levels compared to baseline conditions as "largely unchanged from existing conditions." This discussion contradicts and is inconsistent with the data shown in Figure 4.9-21 and the data shown in Figure 4.9-25 for the downstream monitoring point, YP-SR-2. Ignoring and/or mischaracterizing these significant water quality improvements is factually incorrect and misleading.

Fortunately, other sections of the SDEIS present a more factually correct discussion of the water quality improvements resulting from the SGP. For example, Page 4-522 properly reveals the SGP will improve water quality:

> "Under the SGP operations and closure, water quality of surface flow departing from the Operations Area Boundary would be the same or better than existing baseline conditions; therefore, there would not be impacts to the quality of downstream waterways..."

The Final EIS needs to eliminate contradictory statements and consistently describe the water quality improvements resulting from the SGP. A simple and efficient way to achieve the necessary consistency would be to repeatedly reference the results shown in Figures 4.9-21 and 4.9-25.

The SDEIS repeatedly states that the ATSDR Public Health Assessment conducted for the existing mine site eliminated groundwater as a drinking water pathway from consideration as a public health concern. Consequently, the detailed groundwater quality discussion in Section 4.9 is not an impact analysis and is thus academic and misleading. The Final EIS should clarify that the groundwater modeling results are a model input and do not represent an impact to a human receptor because the area groundwater is not a source of drinking water. The Final EIS should also explain

that because the area surface waters are the ecological receptors for groundwater, the SWWC model appropriately incorporates the groundwater quality modeling results.

VI. Evaluating the Project Alternatives

A. The No Action Alternative is Not Selectable

IMA cannot fathom any circumstance in which it would be appropriate for the Forest Service to select the No Action Alternative as the Agency Preferred Alternative in the Final EIS. Selecting the No Action Alternative would preserve the environmentally degraded *status quo* and forego this unique opportunity to use private-sector resources to clean up the Stibnite Mine site.

IMA suggests the Final EIS put more effort into discussing why the No Action Alternative is not selectable for the SGP because the SDEIS does not fully describe the numerous environmental restoration measures that would not be built and the environmental improvements that would not materialize under the No Action Alternative. For example, the No Action discussion in Section 4.12.2.1 does not mention that opportunities to eliminate the Yellow Pine Pit cascade barrier to fish migration and to reconnect over 21 miles of the EFSFSR would not occur under the No Action Alternative. Instead, this section states that no negative impacts to fish or fish habitat would occur if the MMP is not built and fails to acknowledge that habitat restoration and water quality benefits would be foregone without the project. This is an inaccurate and incomplete disclosure of the lost opportunity costs associated with the No Action Alternative.

Similarly, the Executive Summary lacks a meaningful discussion of the environmental restoration and improvement opportunities that would not occur under the No Action Alternative. The No Action Alternative would mean that none of the numerous significant environmental restoration measures in the MMP (e.g., removing some of the legacy mine wastes that are contaminating area streams and eliminating the cascade that precludes fish migration immediately upgradient of the Yellow Pine Pit) would occur. Both the Executive Summary and the resource sections in Chapter 4 of the Final EIS should more fully describe how the No Action Alternative would perpetuate the existing degraded environmental conditions at Stibnite.

B. The Agency Preferred Alternative

There are obvious environmental and safety reasons why the Burntlog Route is clearly preferrable to the Johnson Creek Route Alternative. Therefore, IMA strongly supports the Forest Service's decision to select the Burntlog Route as the Agency Preferred Alternative in the SDEIS. The SDEIS calls this alternative the "2021 Modified Mine Plan (MMP) Alternative." (This is the transportation route that Perpetua proposes in its updated "ModPRO2" Plan of Operations.)

As documented in the SDEIS, the Burntlog Route Alternative has fewer environmental risk factors compared to the Johnson Creek Route Alternative. Because the Johnson Creek Route is closer to fish-bearing streams than the Burntlog Route, there is a higher potential for adverse impacts to water quality in the event of a fuel or chemical spill or leak from a delivery truck. Also, regular use of the Johnson Creek Route would increase sedimentation impacts.

Additionally, the Burntlog Route has fewer safety concerns than the Johnson Creek Alternative. There are several large avalanche paths along the Johnson Creek Route, which make it an unsafe choice for routine winter use. Because it will not be possible to realign the route to completely avoid the avalanche paths, the road would probably have to be closed during high-risk avalanche conditions. Such road closures would create obvious operational constraints and could also precipitate an emergency if project personnel are unable to leave the mine site or if emergency vehicles cannot reach the site. The inevitability of unpredictable avalanche events would obviously pose a direct and serious risk to people driving this route who could be caught in an avalanche.

For these reasons, IMA recommends that the Forest Service select the Burnt Log Route as the Agency Preferred Alternative in the Final EIS.

VII. Comprehensive Cleanup of the Stibnite Mine Cannot Happen Without the MMP

The MMP is essential to the eventual comprehensive cleanup of the Stibnite Mine area because revenue from the production of gold and antimony from the Stibnite Mine will become the economic driver that can help fund future restoration of legacy features that are outside the project boundary for the MMP. Although the MMP will remediate numerous mine features in the MMP project boundary, there are some problematic legacy mine features outside of this boundary that will continue to leach metals into area streams after mining is completed. The January 2021 Administrative Settlement and Order on Consent (ASAOC) between Perpetua, the Forest Service and the U.S. Environmental Protection Agency (EPA) described in Section 1.3 of the SDEIS is designed to remediate the legacy features outside of the MMP project boundary. Perpetua initiated Phase 1 of the ASAOC in July 2022. In the future, Perpetua may be able to pursue the conceptual site restoration measures in Phases 2 and 3 of the ASAOC if and when Perpetua is producing gold and antimony from the Stibnite Mine.

Under Phase I of the ASAOC, Perpetua is voluntarily addressing several areas identified as being time-critical by implementing restoration measures that will eliminate or reduce contaminant sources from these areas as quickly as possible. The Forest Service and the EPA are directing and supervising the ASAOC Phase I remediation activities, which will cost Perpetua $12 million to complete. In addition to these direct, on-the-ground remediation costs, Perpetua provided the agencies with a $7.5 million performance bond to guarantee this work.

The ASAOC Phase I water quality improvements are anticipated to be completed by 2025 and include constructing stream diversion ditches to divert water away from legacy mine wastes that are contaminating area streams, removing approximately 325,000 tons of legacy development rock and tailings from locations in Meadow Creek and the EFSFSR that are currently adversely impacting water quality. Phase I also entails conducting baseline studies at five historic mine adits that are discharging mine drainage.

Once the SGP has all of its operating permits and production is underway, Phases 2 and 3 of the ASAOC give Perpetua the option to remediate additional legacy mine features located outside the MMP project boundary. These phases will require additional baseline data and engineering studies and probably entail additional permitting.

The sequential combination of the ASAOC Phase 1, the MMP, and the ASAOC Phases 2 and 3 would ultimately achieve a comprehensive, site-wide restoration and cleanup of the Stibnite Mine site. It is therefore imperative that the Forest Service, the U.S. Army Corps of Engineers, and the Idaho State regulatory agencies take immediate steps to set this remediation sequence in motion.

The opportunity to achieve a complete cleanup of the Stibnite Mine site that Perpetua will subsidize is both unique and important. There may not be a similar opportunity in the future if the SGP is not built and operated. If this occurs, the lost opportunity costs would be enormous and the *status quo* environmental problems would adversely affect water quality, fish habitat, and ultimately people and communities for many years.

VIII. The Rosemont Case is not Applicable to the SGP

Based on two of the alternatives that the Forest Service appropriately eliminated from additional analysis, it appears that project opponents are seeking to apply an Arizona federal District Court's decision in litigation pertaining to the proposed Rosemont copper mine to the SGP[13]. Their efforts misapply the *Rosemont* Court's ruling, which cannot be extrapolated or applied by analogy to other proposed mining operations due to the different, unique, and site-specific geological and land configuration facts at the Rosemont Project compared to other mineral deposits.

Section 1.10.3.1 of the SDEIS discusses why the Forest Service eliminated "Changes to the General Mining Law" as an issue warranting additional analysis. In this section, the Forest Service correctly characterizes the Mining Law as a land tenure statute that governs property rights and explains that it is not an environmental protection statute[14]. The Mining Law gives citizens the right to enter, use, and occupy federal lands open to location for mineral exploration and development purposes.

Section 1.10.3.2 of the SDEIS explains that the Forest Service eliminated using its special use regulations at 36 CFR 251 Subpart B (the 251 regulations) to evaluate the SGP from additional analysis in the SDEIS because these regulations do not apply to mining. As correctly discussed in Section 1.10.3.2, Section 251.50(a) explicitly exempts mining from these special use regulations. The Forest Service correctly eliminated both issues from detailed analysis in the SDEIS because

The record before the *Rosemont* Court emphasizes that the lands proposed for mine waste disposal facilities (e.g., waste rock and tailings storage areas) were unmineralized and that mining claims had been located on these lands. In *Rosemont,* the District Court ruled that these mining claims were invalid. However, this ruling is unique to the on-the-ground facts at the Rosemont Project as dictated by the geology and land configuration at Rosemont. Therefore, the District Court's holding in *Rosemont* is not a blueprint for any other proposed mining project because the geology and land configurations are different for every mineral deposit. Each mineral deposit's unique

[13] *Center for Biological Diversity et. al. v. U.S Fish and Wildlife Service et. al.,* or the "*Rosemont"* case.

[14] Numerous other federal statutes govern protecting the environment, species and their habitats including but not limited to the Clean Water Act, the Clean Air Act, and the Endangered Species Act.

geological characteristics means the appropriate arrangement for mining claims and mill sites must be custom-tailored to fit that deposit's geologic facts.

As affirmed by the *Rosemont* court, the Mining Law authorizes locating mining claims on lands that are mineral in character and mill sites on lands that are not mineral in character[15]. Mill sites can be used for ancillary mining features such as development rock and tailings storage facilities that are needed to support mining activities. As is readily evident from Figure 3.9-3, "Stibnite Mining District Geology" in the SDEIS, Perpetua is proposing to locate the tailings impoundment and associated embankment/buttress on lands in the Meadow Creek drainage that are not mineralized. Mill sites could be located on these non-mineralized federal lands pursuant to Section 42 of the Mining Law.

IX. The SGP is an Important Opportunity for Idaho and the Nation

In conclusion, IMA emphasizes that the Forest Service should complete the NEPA process for the SGP as soon as possible in 2023. The SGP will achieve important environmental, national defense, and clean energy objectives. The Forest Service's timely approval of the SGP will start the environmental restoration process; provide the U.S. military with a domestic source of antimony for cartridges, missiles, and munitions; and enable AMBRI to start manufacturing liquid metal storage batteries using antimony from the Stibnite Mine. These are compelling reasons for the Forest Service, the U.S. Army Corps of Engineers, and the Idaho State regulatory agencies to expedite their approvals for this important project.

IMA underscores the uniqueness of this opportunity to restore the Stibnite Mine site with private-sector resources and to develop this urgently-needed domestic source of antimony. As stated in Section 4.21.2.2 of the SDEIS, Perpetua is proposing to invest $1.1 billion to construct the SGP. IMA is not aware of any other private- or public-sector entity that is willing to make a similar investment. It is obvious that without Perpetua's extraordinary proposal to develop the MMP, the Stibnite mine site will not be cleaned up and Idaho and the Nation will be deprived of this special and important opportunity.[16]

The public has had ample time to review Perpetua's proposed mining and restoration plan for the SGP and to review two very substantive NEPA documents (e.g., the 2020 Draft EIS and this SDEIS). The aggregate five-month long comment period for the two documents (i.e., 75 days for the Draft EIS and another 75 days for this SDEIS) go above and beyond the 45-day comment period required under NEPA for a public comment period on draft EIS documents. The Forest Service should deny requests from project opponents to extend the SDEIS comment period because these requests are stall tactics designed to delay the NEPA process.

---

[15] "The Mining Law allows mining companies to occupy federal land on which valuable minerals have been found, as well as non-mineral federal land for mill sites..." (Case No. 10-17585, Page 45.)

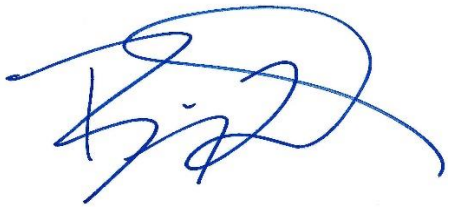
[16] The November 8, 2021 letter from the Intermountain Region Regional Forester, Mary Farnsworth, to Idaho Congressmen Russ Fulcher and Mike Simpson states the Forest Service spent only $5.2 million to remediate the Stibnite mine site between 1993 and 1992. The huge difference between $5.2 million and $1.1 billion speaks volumes about the federal government's inability to fund a meaningful cleanup at Stibnite. Without Perpetua's proposed investment of $1.1 billion to redevelop and remediate this site, the Stibnite Mine area is destined to remain degraded for the foreseeable future.

IMA simply cannot think of any justification for the Forest Service to delay issuing the ROD to approve the SGP. The Forest Service's ROD will be the key milestone in advancing the SGP and capitalizing upon Perpetua's proposal to accomplish the following critically important objectives:

- Redevelop and restore the Stibnite Mine site;
- Directly employ hundreds of Idahoans who will earn family-sustaining wages for over two decades;
- Stimulate thousands of indirect and induced jobs in Idaho during the same time period;
- Create a long-lived economic engine for central Idaho;
- Provide the nation with a domestic source of antimony to meet the military's needs and to build utility-scale storage batteries;
- Pay significant local, state, and federal taxes;
- Contribute a portion of the Stibnite Mine's profits to local communities pursuant to the Stibnite Foundation profits-sharing agreement during the life of the mining operation; and
- Generate the revenue needed to help finance the site-wide, comprehensive cleanup of all of the legacy mine features at the Stibnite Mine under Phases 2 and 3 of the ASAOC.

In light of these many laudable and important objectives, IMA respectfully asks the Forest Service to approve this project as early as possible in 2023. IMA appreciates this opportunity to submit our comments on the SDEIS for the SGP. Please do not hesitate to contact me if you have any questions.

Kindest Regards,



Benjamin Davenport
Executive Director