



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).

I. Identity and Interest of the Commenter

I am the President and CEO of Perpetua Resources Corp., a publicly traded company on Nasdaq. Perpetua Resources Corp. is the parent company of the project proponent Perpetua Resources Idaho, Inc., the wholly owned affiliate, and I also serve as President and CEO of this State-based operating company for the Stibnite Gold Project.

Prior to becoming President and CEO of Perpetua Resources Corp. and Perpetua Resources Idaho, Inc. (hereinafter for ease of reference, collectively, Perpetua), I served separately on the Board of Directors of Midas Gold Corp., the predecessor entity to Perpetua Resources Corp. In my previous capacity as a corporate Board Member, I became well informed of the vision for the Stibnite Gold Project and its goal to economically rejuvenate the Stibnite Mining District and restore an abandoned mine site both during and upon the culmination of Project operations.



My primary and overriding qualification to provide these comments is that I am an Idahoan. I could not be more honored than to be leading an Idaho-based company planning to invest millions of dollars to responsibly develop the resources that Mother Nature is still generously offering in this treasured part of our State.

The Stibnite Gold Project will put Idahoans to work for almost two decades and leave a contaminated, environmentally ravaged part of the Gem State better off but for our Project construction, operation, reclamation and restoration. Our Company, and this Project, is a model for our industry and most importantly for me, as it will provide immense environmental benefit to the State of Idaho.

II. Comments

A. The NEPA Process for the Stibnite Gold Project Should Conclude As Soon As Practicable and Proceed to a Record of Decision

On July 17, 2018, I testified before the United States Senate Committee on Energy and Natural Resources that every quarter Perpetua fails to advance the Stibnite Gold Project to a Record of Decision, it costs \$1.5 million in permitting costs payable to the United States Forest Service and their contractor and \$2.6 million for our personnel and consultants to address the quarterly permitting requirements.

By the close of the current comment period, our two multi thousand-page Environmental Impact Statements will have been in public circulation for a total of approximately 5 calendar months, in addition to the two months that Idaho's Federally recognized tribes were provided advance access to the Supplemental Draft Environmental Impact Statement (SDEIS) prior to its release this past October. By any measure, our Project will have had a "meaningful" public and tribal review of the proposed action subject to review under the National Environmental Policy Act (NEPA).

This process, as costly as it has become for Perpetua, will produce environmental dividends. As touched on below, the NEPA journey from PRO (2016) to ModPRO (2020) to ModPRO2/2021 MMP (SDEIS Preferred Alternative) has fulfilled both the substantive and procedural purpose and need of this NEPA review, and, importantly, is the outcome of immeasurable improvement through this public process. Our Perpetua team has relentlessly developed the SGP to be the best it can be environmentally and economically, and the Preferred Alternative as presented in the SDEIS affords the last and best hope for reinvigoration of the abandoned Stibnite Mining District.

B. The Preferred Alternative Has Evolved Under NEPA to Provide Superior Environmental Performance

The identification of the Preferred Alternative by the Forest Service is a successful outcome driven by persistent and diligent review by Perpetua from the time it was originally submitted in 2016 to the present. As should be expected when a project



proponent becomes better informed due to data modeling and other analysis (in addition to comments from the public and cooperating agencies), the 2021 MMP represents an improved Proposed Action in several critical respects. To highlight just a few:

First, the 2021 MMP presents an active water treatment facility that is proposed to operate throughout the mine life and during mine closure until the tailings are consolidated, estimated to occur in Mine Year 40.

Second, the tailings impoundment facility is designed to be fully lined. Prior to constructing the liner, an underdrain groundwater conveyance and collection system will be constructed. A composite liner system with a network of geosynthetic over liner drains would then be installed above the underdrain system.

Finally, in two key design developments, Perpetua has added the Stibnite Lake feature to the MMP to minimize stream temperature fluctuation and to replace lake habitat for bull trout. Additionally, the Fiddle Creek Development Rock Storage Facility was eliminated from the MMP which reduces the SGP's surface disturbance by 168 acres.

There are other important improvements to the 2021 MMP that Perpetua looks forward to receiving public feedback pursuant to the SDEIS comments. And while the above improvements to our Project design are certainly a product of continual refinement and review, I am also mindful that notwithstanding the complexity of the SGP, the Project has been generously analyzed. It is time to move forward with a decision by the Forest Service to approve the Stibnite Gold Project.

C. The Abandonment History of the Stibnite Site by the Federal Government Affords the Stibnite Gold Project the Opportunity to Restore the Site

The Stibnite Mining District is an abandoned and neglected, potential Superfund site. EPA proposed to list the site on the National Priorities List (NPL) in 2001, and it has remained proposed for listing since. That stated, in a June 30, 2022 email, EPA publicly announced that Perpetua-sponsored cleanup work was going to begin at the "Stibnite Mine Superfund Site."

I am also aware that Stibnite has been subject to litigation under CERCLA to pursue parties responsible for the contamination. Multiple consent decrees emerged from these actions including *Mobil Oil v. United States* in 2000, *United States v. Oberbillig* in 2004; and *United States v. Bradley Mining Company* in 2012. When the *Bradley* consent decree was entered, every Federal agency that had any involvement or responsibility for encouraging and overseeing the development of the Stibnite Mining District, thus contributing to the generation of the contaminated conditions, effectively settled their CERCLA liability.



And there has been more disappointing neglect of the Stibnite Mining District by the Federal government. A \$1.1 million “impermeable cap” was reserved by the United States in the *Bradley Mining* consent decree to have been constructed over the unlined Spent Ore Disposal Area, or “SODA.” The cap, if built, could have prevented approximately 1100 pounds/year of arsenic loading into Meadow Creek.

Last year, EPA advised Idaho’s Members of the House of Representatives that the cap was not constructed because EPA has failed to evaluate the effectiveness of a prerequisite response action that was constructed in 1998, and thus they did not pursue Mobil to build the cap or recover the \$1.1 cost figure. As an example of where the SGP will address through private investment what is a public obligation, the 2021 MMP will remove SODA, reprocess its ore grade tailings, and replace the tailings in a state-of-the art, fully lined storage facility.

The abandonment of Stibnite by the Federal government and the 2021 MMP as framed in the SDEIS by its discussion of the site’s present environmental conditions. According to SDEIS, “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.” As this comment letter is written, I am unaware of any programmatic CERCLA remediation actions planned by the United States government in the Stibnite Mining District.

A voluntary Administrative Settlement Agreement and Order on Consent (ASAOC) was initiated by Perpetua and executed with EPA and the Forest Service in January 2021. It is the sole path to cleanup of the Stibnite Mining District absent construction and operation of the SGP. And, importantly, the global vision of the ASAOC cleanup plans will not be fulfilled unless the Stibnite Gold Project proceeds to construction and operation.

D. Perpetua Resources Has Been Working with Idaho’s Tribes from the Beginning and Will Continue to Do So

Perpetua’s past and present track record in reaching out to Idaho tribes and communicating with them regarding the Stibnite Gold Project is substantial. One of my roles as CEO is to personally engage with Idaho’s Federally-recognized tribes to better understand their interests in the Gem State’s natural resources and, where applicable, their treaty rights to hunt and fish outside their exterior reservation boundaries.

When I became CEO, Perpetua created a Communications Agreement with the Nez Perce Tribe that was in effect from July 12, 2017 until its expiration on December 31, 2019. The Agreement declared that “the Tribe and Perpetua’s desire to understand each other and to communicate in an open, respectful, and transparent manner regarding Perpetua’s proposed Project in Stibnite, Idaho.” Pursuant to the Agreement, and among other obligations, the Company provided the Tribe



environmental data collected from the Stibnite site, and in some instances, water quality testing was performed jointly with Perpetua and Nez Perce staff. Senior Management met regularly with the Nez Perce Tribal Executive Committee in their chambers in Lapwai to provide Project updates.

I have traveled often to Fort Hall to meet on a principal-to-principal basis with the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes. At my direction, our Technical Teams met with staff of the Tribes to gain their input into our voluntary ASAOC, and Perpetua strongly supported their role in the Agreement as a Participating Party. [For reasons yet to be explained to the Company, and notwithstanding Perpetua's willingness to include them as active participants in the cleanup actions, the Federal CERCLA agencies removed the Shoshone-Bannock Tribes from their proposed role in the ASAOC before it was finalized in January, 2021.]

Finally, I have met personally with leadership of the Shoshone-Paiute Tribes through a collaborative process known as "Wings and Roots." We provided support for their ethnographic study and Perpetua looks forward to additional opportunities to work with the Shoshone-Paiute Tribes and further exchange information about the Stibnite Gold Project.

The Company and the Nez Perce Tribe have been in confidential alternative dispute resolution since February 2021 to the present to resolve the Tribe's Clean Water Act litigation. That process has been extended until March 1, 2023 and the Company is hopeful that the discussions remain productive.

I well understand the relationship between the Federal agencies and Idaho's tribes in the context of Government-to-Government consultation. Perpetua Resources has no intentions of interfering with those processes, but at the same time I strongly support development of principal-to-principal relationships with tribes that do not depend on facilitation by the Federal trustees. We have directly communicated to Idaho's Federally recognized tribes that Perpetua Resources will strive to maintain a direct dialogue with their tribal governments as a most efficient means to identify and resolve issues that may arise between us now and in the future.

III. Conclusion

The Stibnite Gold Project is a once in a generation opportunity to do right economically and environmentally. But most importantly, as an Idahoan, I strongly support the Stibnite Gold Project as being right for the Gem State. But for the SGP, the Stibnite Mining District will continue to be abandoned and neglected while, as clearly stated in the SDEIS, ongoing releases of hazardous substances, pollutants and contaminants will plague the site for the foreseeable future.



The 2021 MMP should advance as the Selected Alternative in the Record of Decision for the Stibnite Gold Project.

Sincerely,

A handwritten signature in black ink that reads "Laurel Sayer". The signature is written in a cursive, flowing style.

Laurel Sayer
President and CEO
Perpetua Resources Corp.
Perpetua Resources Idaho, Inc.