

Jan. 10, 2023

To: Linda Jackson, Forest Supervisor, Payette National Forest

From: Robert Bryant (email: bobbryant44@comcast.net)

Subject: **Stibnite Gold Project Supplemental DEIS 50516**

These comments are in response to the Stibnite Gold Project (SGP) Supplemental DEIS 50516.

I am a shareholder in a 100-year-old family homestead property on Johnson Creek adjacent to the Johnson Creek airport, a short distance from Stibnite. The Idaho Power line to Stibnite runs through our property. I have regularly been in the area for 60 years, including spending whole summers working and playing there during my teen and college years. There have been very strong extended family connections to this area for 100 years. Now that the EIS has been released and public input requested, I need to express my significant concerns about the Stibnite Gold project.

It is clear that the EIS is written by Perpetua/Midas employees from their biased perspective. It is also clear that they have gained support from many Idaho residents and the state legislature as a way to bring money and jobs into the area while claiming that they are “restoring” the area. Many of the people that have commented may not realize the negative environmental impacts this project will have on the area, and the unrestored hazardous areas that will be left behind forever. My comments will focus on these significant concerns.

Here is a summary of the key points of this document and requested changes to the Perpetua plan. I discuss each of these items in the following sections.

- 1) Perpetua should NOT be allowed to use Johnson Creek Road for construction or operations. Due to safety and environmental risks, they should be required to use the Burntlog Route when they have completed it.
- 2) Due to the much taller power poles in the current plans, power cabling should be placed underground on and near the Bryant Ranch property. Also, the Johnson Creek substation planned to be adjacent to Bryant Ranch property should be moved farther away and not be visible from the Bryant Ranch property.
- 3) Perpetua should not be allowed to leave behind two large unsafe mining pits and 100 million tons of hazardous tailings on the valley floor, behind a 460 ft. embankment. They should minimally be required to safely place the tailings back into these pits, from where they came.
- 4) Perpetua should not be allowed to refer to this as a “restoration” project. Calling this a restoration project is deceiving, as this is a mining project 30 times larger than all previous mining at Stibnite, and leaves behind more potential environmental issues than exist now.
- 5) Since markets change and unforeseen financial issues inevitably arise, it is critical that Perpetua be required to pay more funds into the escrow account on a periodic schedule (i.e. monthly/quarterly) in advance of the destruction that will take place. This needs to be spelled out prior to plan approval to ensure adequate restoration funds are available at all times.

- 6) It is also essential that citizens, particularly local citizens, have visibility into the on-site activities and all environmental and safety issues that arise. Independent regulators need to ensure that this information is made available in realtime through an on-line website.

A significant concern is the large-scale destruction of the Stibnite area which will leave behind 120 million tons of hazardous tailings over 405 acres of the pristine Meadow Creek valley and leave two very large hazardous pits that will fill up with water but be unsafe for recreational use. Perpetua will be removing 392 million tons of rock from over 473 acres of open pits. For each ounce of gold they recover, Perpetua will be mining over 92 tons of rock, a concentration of only 1 ounce of gold from every 3,000,000 ounces of rock mined (0.000034 %).

If this low concentration of gold is profitable even with the large expense of the Stibnite mining construction, once the Stibnite mining infrastructure has been built, much lower concentrations of gold will be needed for them to profitably mine in the surrounding area. I am concerned about the continued mining expansion in the surrounding area, including the Johnson Creek drainage, Big Creek drainage, Thunder Mountain area, etc. How much destruction is going to be allowed in this area for such small concentrations of gold?

Perpetua construction and operation traffic should not use Johnson Creek road

During the first three years, before the Burntlog Route is completed, Perpetua is planning to have a significant amount of construction traffic on Johnson Creek road. Also, if there are construction issues or problems later, Perpetua will use Johnson Creek road as a backup.

Perpetua's plan indicates that there will be 65 trips average per day (45 heavy and 20 light) of which the majority will be during the 5-day workweek (6am to 8pm window). Given this, there will be an average of one construction traffic vehicle every 12 minutes. Given the traffic will be much higher than the average during peak times, this will have significant impacts to the Johnson Creek valley, its residents, and campers at the many campgrounds along Johnson Creek road.

Perpetua is planning to transport a massive quantity of environmentally hazardous liquids and solids to Stibnite. Their plan estimates deliveries of: almost 9,000,000 gallons of bulk liquids in 1,000 deliveries per year (this includes fuel and lubricants and hazardous chemicals) and 15,000 tons of bulk solids in 1,900 deliveries per year (including explosives, ammonium nitrate, etc.). It only takes one spill into Johnson Creek to create lasting environmental problem.

Johnson Creek road is dirt and narrow in many locations, steep in many locations, and right next the creek in numerous places, creating traffic safety and environmental concerns, particularly during the winter when there is snow and ice on the road. There are locations where road widening is not feasible given the steep hillsides without significantly disturbing Johnson Creek. Given the constant flow of large and hazardous vehicles that Perpetua plans to use on this road, this creates hazards and delays for other vehicular traffic, and hazards of accidents and hazardous material spills into Johnson Creek. Such spills do not simply "wash away." They deposit along the creek and would poison the creek for many years.

In addition, every summer, the Nez Perce Tribe installs and services a salmon weir across Johnson Creek near the Bryant Ranch to support the rejuvenation of the salmon spawning grounds in Johnson Creek. The roadway is right next to the creek at this location and the heavy Stibnite traffic is likely to have an

impact to the daily operation of the weir. The Stibnite traffic and hazardous material will impact this salmon restoration operation. This needs to be mitigated.

Because of the accident risks, the high potential for hazardous spills into Johnson Creek and the EFSFSR, and the impact to residents, campers, fishermen, rafters/kayakers, the Nez Perce Tribe, and salmon, Perpetua should not be allowed to use Johnson Creek and Stibnite roads during the construction phase nor during operation. The alternate route using Burntlog Route was selected by Perpetua as the preferred route due to the issues with using Johnson Creek road. If permitted, Perpetua must be required to build Burntlog Route first to provide construction and operation vehicles access to Stibnite.

Power lines should be placed underground on and near Bryant Ranch property and the Johnson Creek substation should be moved

Perpetua's plan is to increasing the voltage the existing power lines from 69 KV to 138 KV. To do this, they plan to replace all the power poles with noticeably taller poles with wider right of ways. Since these power lines and poles will be traversing the Bryant Ranch property and the poles and right of way will be very visible from our residences, these power lines should be placed underground, as they are in other sections of the Johnson Creek valley.

Also, a new substation, the "Johnson Creek substation," is planned to be built just south of the Bryant Ranch property. We are concerned about the visibility of this substation from our residences and any other potential impacts. We request that this substation be located in a place that is out of sight/range from the Bryant Ranch property.

This is a huge mining operation, NOT a restoration project

The Stibnite Gold Project refers to their project as a "restoration" project. The EIS describes how they will restore the damage done through mining operations over the past 100 years and extend fish access farther upstream. But then the project plan goes on to describe a massive mining operation, orders of magnitude larger than all the mining operations of the past 100 years:

1) Three huge pits being mined (picture in your mind how big these are):

Yellow Pine pit (222 acres, 720 ft. deep with a 900 ft. high wall, 163 million tons mined)

West End pit (185 acres, 440 ft. deep with a 1,000 ft. high wall, 198 million tons mined)

Hanger Flats pit (66 acres, 460 ft. deep with 800 ft. high wall, 31 million tons mined)

Total pits (473 acres, max 720 ft. deep, 392 million tons mined)

26 times more earth mined than all previous Stibnite mining (436 million tons planned vs 15 million tons mined over previous 100 years)

2) The hazardous Tailings Storage Facility (TSF) is huge and cannot be restored

405 acres, 460 ft. high embankment (i.e. dam), 120 million tons of tailings will cover currently undisturbed wetland/meadows of Meadow Creek

40 times more hazardous tailings being left behind than from all previous mining operations (100 million tons planned vs. 3 million tons over previous 100 years)

The Stibnite project will disturb a total of 1,740 acres in the Stibnite area, of which only 841 were disturbed in previous mining operations, more than twice the total acreage of all previous mining disturbances. Perpetua is deceiving the public by calling this a restoration project and is diverting attention away from the fact that this is a massive open pit mining operation in the headwaters of the East Fork of the South Fork of the Salmon River (EFSFSR) that leaves behind a much larger area of damage which cannot be restored.

The TSF will create a much larger and long-lasting environmental problem than exists now

As indicated above, the TSF will be a huge reservoir with 120 million tons of hazardous tailings, 40 times more than all previous mining operations. How can Perpetua call this a restoration when it is removing 3 million tons of previous tailings and generating 120 million tons more, behind a 460 ft. high embankment. The risk of failure over the long term is high and this will be a hazard forever.

The US Forest Service is responsible for the long-term environment, safety, and use of our National Forest surface areas. To meet this responsibility, the US Forest Service needs to address the tailings storage facility and pit issue. If this issue is not dealt with, the valuable gold from this area will be long-gone leaving future generations to live with and deal with these environmental problems.

Perpetua should be required to put the tailings back into the pits from where they originated and consider the reuse/recycling of tailings. Perpetua tries to make the case that it is not cost-effective to recycle and/or put the tailings back into the mining pits. Although it is more expensive to put tailings back into the pits rather than dumping them on the surface, there are mining projects around the world that are doing just that, since they are being required to really restore their mining grounds.

Perpetua has made the case in earlier documents that the SGP is profitable at a gold price of about \$600/ounce. Current gold prices are over \$1,800/ounce. The “not cost-effective” case that is being made by Perpetua is merely an argument for increasing the profits to their investors, while they are creating more permanent environmental degradation and hazards in the area.

What’s the plan for inevitable Tailings Storage Facility leaks after Perpetua has left the area

Perpetua’s plan states “All dams leak to some extent and this must be observed, monitored and controlled.” While the plan indicates “water from the underdrains would be collected and returned to the supernatant pond and recycled to the ore processing plant,” what about TSF leaks that don’t end up going into the drains? Years after the 100 million tons of tailings have been deposited and Stibnite ore processing has been shut down, how will leaks be handled? How will these be fixed? Who pays for it? What is the effect on ground water, Meadow Creek and the EFSFSR, and the Hanger Flats pit?

Too much destruction to recover such small concentrations of gold

As mentioned above, Perpetua will be mining 392 million tons of rock from their three huge open pits to recover about 4.24 million ounces of gold. **This means that they will be mining about 92 tons of rock to get only 1 ounce of gold** (worth about \$1,800). In 230 tons of mined rock, they also expect to only recover 1 ounce of silver (worth about \$25). In 3.4 tons of rock, they expect to recover 1 lbs of antimony (worth about \$5). The high price of gold is what makes this project viable, not silver or antimony.

Gold concentrations of 1 ounce from 92 tons of rock is a concentration of 1 ounce from 3,000,000 ounces of rock or about 0.000034 %. Perpetua should not be allowed to create this level of destruction for this small concentration of gold in the beautiful headwaters of the EFSFSR.

Perpetua indicates in the EIS that it is not economically feasible to fill in the West End pit. They should be required to backfill the unrestored and hazardous pits with the material that they remove from the pits. It is inconsistent for Perpetua to say that it is economically feasible to create huge open pits to recover 0.000034% gold concentrations while saying that it is not economically feasible to backfill the pits. The problem is that the gold concentrations at Stibnite are too low for Perpetua to restore the area as should be required. They should be required to mine areas of higher concentrations where they are able to restore/refill the pits. To restate, dumping 120 million tons of hazardous tailings on top of Meadow Creek valley behind a 460 ft. embankment is not restoration.

Bonding/escrow

Mining has a legacy of leaving behind unrestored operations and hazards that future generations are left to manage. Past mining operations have commonly “run out of money” and were not able to pay for restoration. To mitigate this, an escrow account is to be established by Perpetua that is supposed to cover the cost of restoration, should their operation fold at any time.

The Perpetua document provides no specifics about funding for restoration work. In fact, it states: “In order to carry the substantial costs related to the restoration of legacy impacts, Perpetua needs to have sufficiently economically robust project to finance the site restoration and to justify its investment.” Since markets change and unforeseen financial issues inevitably arise, it is critical that Perpetua be required to pay sufficient funds into the escrow account on a periodic schedule (i.e. monthly/quarterly) in advance of the destruction that will take place. This needs to be spelled out prior to plan approval to ensure adequate restoration funds are available at all times.

If licensed, citizens need to be kept informed of Perpetua status and issues

Given the scale and hazards associated with this project, it is essential that there be on-site independent monitors to verify that Perpetua is meeting all environmental regulations and the terms of their plan. It is also essential that citizens, particularly local citizens, have visibility into the on-site activities and all environmental and safety issues that arise. Independent regulators need to ensure that this information is made available in real-time through an on-line website.

Key mining concerns exposed by the controversial proposed Alaskan Pebble Mine project

Through cozy relationships with state and federal officials at all levels, the Army Corps of Engineers and the Environmental Protection Agency, and the Alaskan Governor, the Pebble Mining project executives were able to game the EIS approval system in their favor. Fortunately, their scheme was exposed. For reference, see: <https://www.cnn.com/2020/09/25/politics/alaska-pebble-mine-executives-legislators/index.html>

There are some interesting parallels to the Perpetua Project, including impacts to salmon spawning grounds, major impacts to the environment, and hazardous tailings waste being left behind. Here are some key points that raise concerns about the Stibnite project.

- 1) A recording of a Pebble Mining project executive reveals: “The Clean Water Act, it says that the Army Corps of Engineers ‘will issue a permit based on the least environmentally damaging practicable alternative.’ So I mean, you may still cause a lot of environmental damage but if it’s the least damaging alternative, you get your permit.”
- 2) After agreeing to shrink the footprint of the mine and only operate for 20 years when required for plan approval, the Pebble Mining executives also revealed in recorded tapes that they were really planning to expand the mine and operate for close to “two centuries”, while developing several other mines in the region.
- 3) The revelations led to an apology and resignation of an executive who would have earned a \$12 million bonus if the mine was permitted.

Point 1 above is very relevant to the Stibnite project. While Perpetua will say that their preferred plan is the least damaging of the various alternatives, as noted above, the Stibnite project is very destructive to the area and will leave behind a very large pit, will greatly affect the natural Meadow Creek and Fiddle Creek valleys and creek flows, and will leave 120 tons of hazardous tailings in Meadow Creek behind a 460 foot embankment.

Point 2 is also extremely relevant to the Perpetua project. While the Stibnite mining operation is planned for 12-15 years, with a total project life of 20 years, the EIS indicates that they will continue exploration in the area for expanded mining opportunities. To quote the Perpetua document, “Even after a hundred years of exploration and development activities in the Stibnite Mining District, many exploration prospects remain that eventually may warrant consideration for development... Perpetua plans to conduct new exploration and development drilling work... Approved exploration will continue under current plans, as well as in new surface areas...”

Once the mining infrastructure is in place (e.g. ore processing plant, roads, power lines, housing, etc.), the cost of expanded mining in the area will be minimal. Given the very low mineral concentrations of gold that are needed to make expansion profitable, what’s to stop a major exploration and potential mining expansion in surrounding areas (e.g. Thunder Mountain area, Johnson Creek area, Big Creek, etc.)? If Perpetua is permitted to mine and damage the Stibnite area, they must not be allowed to continue this destruction in surrounding area.

US 9th District Court judge ruling in case 19-17585

In a court case with similarities to the Stibnite project, a district judge ruled in July, 2019, against the Forest Service approval of the Rosemont Copper Company mining plan to dispose of extensive waste rock and tailings on the surface of unpatented mining claims. It ruled that the Forest Service may not approve a mining plan “without first determining who may, as a right, use the surface,” and that Rosemont’s use of the lands for its waste rock and tailings facilities was “unauthorized” under the Mining Law. How does this court ruling affect the legality of Perpetua’s plan to dump tailings and waste rock on the surface of their unpatented mining claims?

Wildlife concern

What is the effect on birds from tailings during the life of the project? While the report indicates that cyanide levels will be reduced to levels protective of wildlife, are the tailings and supernatant pond safe for birds?