



January 10, 2023

Linda Jackson
Payette Forest Supervisor
500 N. Mission Street, Building 2
McCall, Idaho 83638

Submitted electronically to <https://cara.fs2c.usda.gov/Public//CommentInput?Project=50516>

RE: Comments on the Stibnite Gold Project Environmental Impact Statement

Dear Forest Supervisor Jackson,

I am writing on behalf of the Greater Hells Canyon Council (GHCC) regarding the EIS for the Stibnite Gold Project. GHCC is a non-profit conservation organization based in Northeast Oregon with over 2,000 members and supporters. GHCC's mission is to connect, protect, and restore the wild lands, waters, native species and habitats of the Greater Hells Canyon Region, ensuring a legacy of healthy ecosystems for future generations.

We urge the Forest Service to select the No-Action Alternative. As residents of the Snake River Basin, we are gravely concerned with the dangerous impacts of the Stibnite Gold Project (SGP) to both the immediate landscape and to human and ecological communities downstream. We are downstream of the SGP, and as the crows flies, are less than 100 miles away.

This proposal presents a very real current and future threat to this watershed. The state of our native fishery in the Snake and Columbia River watersheds is already dire, despite nearly \$25 billion in investments from the Bonneville Power Administration to recover declining fish species¹, and significant investments from tribal governments, states, and the federal government. It's imperative that we maintain robust reservoirs of genetic diversity in our fish populations wherever possible, because they have a right to exist and because they will act as necessary "insurance policies" in the face of future disturbances across the region.

The SGP will also further harm the treaty rights of the Nez Perce tribe, and the rights and interests of the Shoshone-Bannock and Shoshone-Paiute tribes, by continuing to mar the landscape and causing irreversible losses to fish species that are a part of their way of life. According to the Nez Perce Tribe's comments on the DEIS in October of 2017²:

"The Tribe's treaty-reserved rights to fish, hunt, and gather presumes access to, and the continued existence of, those resources. Thus, the 1855 Treaty secures to the Tribe the continued existence of those biological conditions necessary for the resources that are the subject matter of the treaty. Harm to habitat for treaty-reserved resources directly harms the Nez Perce people. The Tribe is concerned that the Project will further degrade habitat and treaty-reserved resources in the Forest. Additionally, the Tribe is concerned that the Project will undo some of the Tribe's work to protect, manage, and restore its resources."

¹ Lower Snake River Dams: Benefit Replacement Report. Pg 17

² Nez Perce Tribe's Comments on the Stibnite Gold Project Draft Environmental Impact Statement

<https://nezperce.org/wp-content/uploads/2020/12/2020-10-27-Payette-NF-NPT-Comments-Stibnite-Gold-Project-Draft-Env-ironmental-Impact-Statement-DEIS.pdf>





Fish & Endangered Species

The project area is designated as critical habitat for both bull trout and Chinook salmon, and still supports a remnant assemblage of bull trout, Chinook salmon, cutthroat trout, and steelhead. Despite the anticipated, significant adverse impacts to listed species and critical habitat, the SDEIS fails to demonstrate that the proposed Project can meet the strict standards under the ESA to protect the listed species and to ensure that there will be no destruction or adverse modification of their designated critical habitats.

Perpetua touts SGP as a watershed restoration project, so why does the SDEIS show that stream temperatures will reach lethal levels for salmon and trout (SDEIS pg. 2-146, 4-280)? Perpetua also claims that the SGP is a fish restoration project, so why does the SDEIS show that the project is bad for cutthroat, Chinook salmon and bull trout (SDEIS pg. ES-19, 4-383)?

Perpetua and the Forest Service need to start over and revise the mine plan to take a closer look at soils from the beginning rather than proceed with a flawed project that will ultimately not be able to live up to the stated promises of returning public lands, waters and fish to productivity.

The negative ecological impacts of the SGP will reach far beyond the immediate project area. In the face of a changing climate and rapidly deteriorating fish runs, we must do all we can to ensure that a diversity of fish populations and their habitat throughout the basin are protected.

Pollution Issues

Recent reports have indicated that climate change poses an increasing risk to the mining industry and its infrastructure³. We have recently seen that high amounts of precipitation can damage and overflow containment systems, leading to many issues related to pollution of our public lands and complications to cleaning up the site⁴. As climate change continues to intensify, this will only become more of an issue⁵. We were alarmed to read a BLM geologist's proclamation that "The reality is the industry is making closure, reclamation and drainage treatment predictions based on a historic climate that no longer exists."⁶

With this in mind, we have the following questions:

- Why are there no project-specific spill risk calculations for numbers of spills, and spill probability, in the SDEIS? (SDEIS pg. 4-345)
- Who will monitor and clean up the East Fork South Fork Salmon River and South Fork after Perpetua leaves at year 40? Perpetua should be required to do this both now and in perpetuity and they should post bonds to cover the cost. Monitoring measures are critical, in order to protect surface and

³ R. D. Williams, BLM, Climate Change – Extreme Conditions: Do Plans of Operations Need to Include an Ark? (2012). Available at: https://www.mtech.edu/mwtp/presentations/2012_presentations/Dave%20Williams.pdf

⁴ W. McCullough, W. Jepson & B. Maehl, Zortman: Dealing with Extreme Weather Events at 5, 9-11, 15-16, 19, 26-28 (2011); T. D. Pearce et al., Climate Change and Mining in Canada, 16 Mitigation & Adaptation Strategies for Global Change 347, 357-58, 360 (2011).

⁵ World Meteorological Organization, "WMO Atlas of Mortality and Economic Losses from Weather Climate and Water Extremes (1970-2019). WMO-No. 1267. 2021.

⁶ R. D. Williams, BLM, Climate Change – Extreme Conditions: Do Plans of Operations Need to Include an Ark? (2012). Available at: https://www.mtech.edu/mwtp/presentations/2012_presentations/Dave%20Williams.pdf





groundwater from ongoing pollution with toxins long after the 40-year limit proposed by Perpetua has been completed (SDEIS pg. 4-283).

- How will the FS assure enforcement of a requirement for Perpetua to be held responsible to pay for all costs of HazMat spills attributable to mine-related activity?

Environmental Justice Concerns

The SDEIS (pg. ES-32) states that the agency anticipates “Adverse impacts to tribal rights and interests under either alternative, including preventing access to traditional lands, harming traditional fishing and hunting rights, impacting endangered salmon and concerns that it would harm the tribe’s salmon restoration efforts.”

This flies in the face of a number of recent federal proclamations, including the Biden-Harris Administration’s November 2022 fact sheet⁷, and this statement from Secretary of Agriculture Tom Vilsack⁸:

“USDA is committed to addressing deeply embedded rules and policies that disadvantage Tribal nations and communities.” In response to the notice of new best practices, Secretary Vilsack stated that “These regulations and policies will protect Indigenous interests and resources from mining impacts and give them a voice in mining activities before they begin.”

In spite of these statements, the Forest Service has acknowledged that the SGP will affect rights and interests of the Nez Perce Tribe, Shoshone-Bannock Tribe, and Shoshone-Paiute Tribe. And while this country has a long legacy of disrespecting tribal people, this presents an opportunity to do better. **The Forest Service should do so by selecting the No-Action Alternative.**

Thank you for the consideration of these comments. If any of these web links in this document are dead, they may be resurrected using the Wayback Machine at Archive.org <http://wayback.archive.org/web/>

Sincerely,

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⁷ Biden-Harris Administration, “Fact Sheet: Biden-Harris Administration Announces New Actions to Support Indian Country and Native Communities ahead of the Administration’s Second Tribal Nationals Summit, November 30, 2022.

⁸ U.S. Department of Interior, “Departments of the Interior, Agriculture Advance Mining Reforms Aimed at Protecting and Empowering Tribal Communities, December 1, 2022. Available at: <https://www.doi.gov/pressreleases/departments-interior-agriculture-advance-mining-reforms-aimed-protecting-and>

