January 8, 2023

Linda Jackson

Payette Forest Supervisor

Stibnite Gold Project

500 N Mission Street, Building 2

McCall, Idaho 83638

Re: Stibnite Gold Project – comment on the Supplemental Draft Environmental Impact Statement

Dear Ms. Jackson,

Aside from being born and raised in Idaho, I am a 17-year full-time resident of Valley County living in Cascade and immediately adjacent to the North Fork of the Payette River. Dr. Karen Balch, my wife, and I provide professional services to local and state-wide communities as licensed Idaho veterinarians with USDA APHIS federal accreditations.

**I am asking the Forest Service to choose the “No-Action Alternative” out of the specified alternatives.** Details of the proposed Stibnite Gold Project make it compellingly inappropriate for the Forest Service to permit new mining at the Stibnite site for many reasons. The following three reasons are most compelling personally:

**Environmental Contamination**

Mining as proposed by the Stibnite Gold Project Supplemental DEIS profoundly threatens the quality and inherent safety of surface water and ground water. Contaminated water (containing arsenic, antimony, and mercury) in turn literally endangers all downstream aquatic species and their habitat, including ESA-listed Snake River Chinook Salmon, Snake River Steelhead Trout, and Columbia River Basin Bull Trout. Heavy-metal pollution starting at the headwaters of the East Fork South Fork Salmon River contaminates all downstream waters to the Pacific Ocean. *(“The analysis shows that remaining rock in pit walls and the development rock, deposited in the TSF and pit back fills, would be largely non-acid generating, but would be capable of leaching aluminum, antimony, arsenic, cadmium, copper, manganese, mercury, zinc, sulfate and TDS into surface water and groundwater in concentrations that exceed water quality criteria. Therefore active contact water collection and water treatment would be required for a period of time during the operations and post-closure period until geochemical stability of mined materials could be achieved. In the case of the TSF where stabilization would depend on consolidation of tailings plus liner and cover installation over the tailing, this collection period would be approximately 40 years. USDA Stibnite Gold Project Supplemental DEIS, ES-14 – ES-15.)*

Pollution of any sort degrades nature. As a veterinarian – the very definition of a practical biologist, I have unique working knowledge of biological processes across species and have professionally investigated real and potential poisoning of domestic animals. Notably, the level of heavy-metal toxicity associated with historic mining at the Stibnite site is sufficient that the EPA proposed Stibnite as a Superfund site on the National Priorities list in 2001 and a remedial investigation started in 2002. ([https://cumulis.epa.gov/supercpad/Site/index.cfm?fuseaction=second.schedule&id=1000236](https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.schedule&id=1000236)).

In 2019, the US Department of the Interior and US Geological Survey completed the scientific investigations report titled “Arsenic, Antimony, Mercury, and Water Streams near Stibnite Mining Area, Central Idaho, 2011-17.” In short, this study documents altered stream configuration and habitat in the study area. Dangerous toxin levels for aquatic, avian, non-human mammalian, and human life are directly associated with documented levels of arsenic, free cyanide, lead, mercury, silver, and zinc, and antimony. Even this most recent USGS study, many years after the most recent active mining activity in the Stibnite area ceased, identified harmful levels of arsenic, antimony, and mercury contamination in those local waterways. As a veterinarian, I find this profoundly troubling and indicative of the on-going damage associated particularly with large scale mining, whether historical or contemporary.

I am also disturbed that the Forest Service allowed the British Columbia-based Midas Gold authority to author the 2019 Biological Assessment (BA) report referenced above. As US Rep. Betty McCollum, Chair of the House Appropriations Subcommittee stated: “Allowing a mining company to author its own BA on its project's potential impacts to ESA-listed species creates potential conflicts of interest and undermines public confidence in the permitting process." In short, as the beneficiaries of the proposed mining were allowed to write the official Biological Assessment there is reason to wonder if the report was written to “whitewash” or obscure even more damning conclusions.

I have serious concerns about the resulting additional heavy-metal contamination in the East Fork South Fork Salmon and all downstream flows that will inevitably be associated with any new commercial mining in the Stibnite area. Detrimental impact on our future recreation in and around any associated rivers, streams, lakes, and reservoirs is truly secondary to the ongoing profound harm to those associated ecological systems. Ongoing heavy-metal poisoning of rivers simply threatens the diversity and robustness of aquatic life (in particular protected fish) and, if eaten frequently enough, other life forms such as ospreys, water fowl, large and small aquatic wildlife, including humans.

**Restoration and Cost**

At the heart of Perpetua’s (previously Midas Gold’s) public campaign is a promise to heal the historic mining blight of the Stibnite area that occurred over decades and decades ago. That damage is adjacent to and intrudes on the largest Primitive Area in the lower 48 states – the joined Gospel-Hump Wilderness and Frank Church River of No Return Wilderness.

However, Perpetua’s concept of restoration is to redisturb the current Stibnite mine site and excavate many, many more acres of previously undisturbed wildlife and fish habitat. As described the proposed SGP is a massive cyanide leach gold mining operation that doubles the area of land disturbance from 1,593 to 3,265 acres. This includes the excavation of three open pit mines. Two of three enormous mining pits are projected to be left on the landscape in perpetuity with liners that will eventually leak. All liners leak eventually. It is sobering that a 6.5 magnitude earthquake rolled through Idaho’s Sawtooth mountain range on March 31, 2020. With an epicenter area 45 miles west of Challis, the center of this major earthquake was only a few dozen miles east of Stibnite. This was the second largest earthquake in Idaho history, and even 3 months later the area is experiencing a string of aftershocks, some registering as high as magnitude 4.8 (Idaho Statesman, June 25, 2020). Earthworks’ 2013 U.S. Gold Mines Spills and Failures Report study that all 27 active U.S. gold mines had experienced at least one pipeline spill or other accidental release.

Obviously, mining as a commercial enterprise must generate monetary profits for its owners and stock holders. Restoring the Idaho landscape back to its pre-mining pristine habitat does not directly make money for mining companies, mining subsidiaries, or stock holders, but rather is simply a cost of doing business. All successful businesses regulate and minimize the cost of doing business. While Midas Gold‘s website states “Midas Gold is committed to following all of the modern regulation practices and financial assurance calculations so we can restore the site,” details specifying the actual particulars of bonding are missing. Restoration should mean more than just buried concrete tunnels substituting for previously pristine, meandering, fish-filled streams and leveled heaps of gravel replacing vegetation-lush meadows and wetlands. Environmental detoxification is not a substitute for true restoration.

Who will monitor and clean up the East Fork South Fork Salmon River after Perpetua leaves at their stated finish, 40 years after beginning actual mining? Perpetua should be required to monitoring and cleaning up now and in perpetuity if so required. Additionally, Perpetua should be required to post a sufficient financial bond to cover the expected cost.

What is the monetary amount of the bond?

What are the terms of the bond that the government is requiring for actual mining to begin?

Western United States is littered with abandoned mines – literally mined out with now-forgotten owners having declared bankruptcy to avoid additional costs. As an example, Pegasus Gold Corp, a Canadian company that owned the Zortman-Landusky mine and others in Montana, went bankrupt and folded in 1997. As of March 2019, that abandoned mine continues to leave a legacy of water pollution and a cleanup bill nearing 100 million dollars that is expected to continue in perpetuity.

Given the past history of polluting exhausted gold mines abandoned in western United States, Perpetua must provide robust, real financial deposits of adequate bonding before permitting should even be authorized.

What assurances does the American public have that Perpetua will not simply declare bankruptcy or sell its mining interests to another gold mining company avoiding responsibility for cleanup?

What assures that any mining company successors to Perpetua will be bound by any previous restoration agreements?

What iron-clad incentives or agreements prevent Perpetua from simply abandoning its stated restoration plans after gutting more pristine Idaho wilderness and profiting from whatever gold was mined? Invariably the history of foreign and domestic companies who have mined US public lands for centuries is simply to leave without “cleaning up” once the ore is out of the ground and mining is no longer profitable.

**Indigenous American Rights**

Commercial gold mining at Stibnite violates the 1855 Treaty rights of the Nez Perce Tribe which is legally recognized as a sovereign nation within the United States. In the early eighteen-hundreds, the Nez Perce Tribe occupied over 13 million acres of western America now identified as parts of western Montana, southeastern Washington, northeast Oregon, and, most relevant to this discussion, north-central Idaho. The 1855 Treaty explicitly reserves a permanent homeland as well as “the right to fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.”

Perpetua (Midas Gold then) Idaho’s footprint is entirely within the Tribe’s aboriginal territory as well as within the area determined by the Indian Claims Commission to have been exclusively used and occupied by the Tribe. The project is also located on the Krassel Ranger District of the Payette National Forest. The lands comprising the Payette National Forest are open and unclaimed and subject to the Tribe’s treaty-reserved rights. The most current Stibnite Gold Project Supplemental DEIS states *“Either action alternative would cause disturbances that may impact tribal resources and would adversely affect tribal rights and interests.”* *(USDA Stibnite Gold Project Supplemental DEIS, ES-32.)* Perpetua should be required to monitor downstream and upstream fish for toxins, to clean up the Stibnite Gold area and surrounding streams in perpetuity, or until fish have non-detectible levels of toxins for at least 100 years.

The 1855 treaty with the Nez Perce Tribe trumps the 1872 Act which federal land managers argue, in the eyes of the Mining law, that mining is the highest and best use of public lands. I believe the 1872 law has been purposefully misinterpreted and manipulated to support rampant mining on public lands inconsistent with the intent when the 1872 Act was originally written 151 years ago (“Guest Opinion: Forest Service should not assume Perpetua Resources has rights under the 1872 law.” Fred Coriell, Idaho Press, Dec 6, 2022). Whether Perpetua even has the right to use and occupy mining claims associated with Stibnite Gold Project requires a new Surface Use Determination. Ctr. For Biological Diversity v. United States Fish & Wildlife Serv., 33 F.4th 1202, 121 (9th Cir. 2022).

Whether for mining, grazing, or timber harvest, private, destructive use of public lands is morally inconsistent with responsible stewardship of what is the joint heritage of all present and future Americans. Respecting the rights of descendants of Native Americans whose ancestors lived in what would become the United States before 14th Century European colonization is paramount. In my opinion, it is vitally important that this 151-year-old law be rewritten to properly recognize indigenous Native American treaty rights and properly prioritize long-turn stewardship and conservation of all public lands as its highest priority.

Consistent with the Nez Perce Tribe’s notion of hereditary stewardship of the land, the Tribe’s Department of Fisheries Resources Management currently spends $2.5 million dollars annually on hatchery supplementation, fishery research, and watershed restoration near, and downstream of Perpetua’s proposed mine. The Tribe’s work to restore Chinook salmon runs in the South Fork Salmon River watershed sustainably contributes to the area’s economy and quality of life.

I adamantly support the following words of the Chairman of the Nez Perce Tribe, Shannon Wheeler: “Allowing Midas Gold to move forward with their proposed mine will undo the hard work of so many. We have yet to see a mine that does more good than harm and it is our responsibility to look out for our future generations. This mine, if approved, will surely be to the detriment of those future generations.”

Respectfully,

Olin Balch DVM

Olin Balch, DVM, MS, PhD
North Fork Veterinary Service