

Linda Jackson, Forest Supervisor
Payette National Forest
500 Mission Street, Building 2
McCall ID 83638

January 9, 2023

Dear Ms. Jackson:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement for the proposed Stibnite Mine, prepared by the Forest Service for the public.

1. COMMENTS PERIOD EXTENSION REQUEST.

The Forest Service could not have timed this DSEIS comment period any worse. Released on October 28, was this a Halloween trick? The comment period was only 75 days for a 1,667 page DSEIS plus supporting documents. It managed to encompass three of the biggest Federal holidays—Thanksgiving, Christmas, and New Year—in addition to Halloween. Forest Service employees do not work these three holidays, so how can the agency expect civilian or other agency employees to? The poor timing could have been inadvertent, which indicates poor public awareness. Or it could have been intentional, to make detailed public review and quality comment as difficult as possible. In either case, it is careless public service and contrary to fundamental purposes of NEPA to “inform and to involve.” Therefore, this is a formal request to the FOREST SERVICE to extend the 75 day DSEIS comment period to a full 120 days. Thank you for your careful consideration of this request and its rational to allow full, fair, and thoughtful public review and comment.

2. CONFLICT OF INTEREST.

NEPA requires the agency to ensure accurate scientific analysis. It requires the “professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements” (40 CFR 1502.24). Avoiding conflicts of interest with the proponent is a clear agency requirement (40 CFR 1506.5). The FOREST SERVICE needs to clearly identify and delineate the preparers of the different sections of all the NEPA documents. It needs to identify sections of the DSEIS, Specialist Reports, and supporting documents including those prepared by Midas Gold-Perpetua Resources to distinguish from those prepared independently by the Forest Service.

3. UNFOUNDED MIDAS OPINION.

In the DEIS, there were repeated statements that were clearly more subjective opinion than objective fact or science. For example, in Appendix G:

“It is highly unlikely that the restoration of the site on a standalone basis would be funded by taxpayers, the State of Idaho or any federal agency.... Nor should it be, given that the mining and ore processing facility planned by Midas Gold will incorporate this work into the activities of the proposed Project, at no cost to taxpayers.” (Appendix G, p. G-9)

To be frank: baloney. This is an editorial opinion of someone at Midas Gold-Perpetua Resources, wholly unsupported by fact. To the extent that proponent opinions such as the above statement remain anywhere in the Project Record including DEIS, DSEIS, and Supporting

Documents, the FOREST SERVICE needs to remove the above subjective statement and others like it from the SDEIS before the FEIS.

For some reason, Appendix G has disappeared from the "DEIS" folder of the Stibnite Project on the Forest Service's project website, dated 10/24/22 for the last update. Is there a reason for this disappearance? If so, can you disclose it?

4. UNDERSTATED EFFECTS, OVERSTATED MITIGATION SUCCESS, INADEQUATE MITIGATION. As in the DEIS, time and time again, the DSEIS understated the magnitude, longevity, and complexity of adverse effects the Project will inflict on the environment. And often it relies on optimistic assumptions and unrealistically high success rates from prescribed measures and mitigations that have repeatedly failed over five decades of destructive mining in similar contexts as Stibnite across the country. If these measures had worked, the nation would not have the repeated cases of continuing, unsolved, festering environmental disasters from mining. One kind of insanity is repeating the same measures over and over and expecting different results. This is particularly true of:

Table 2.4-12 Prominent Regulatory and Forest Plan Requirements. P. 2-94.

Table 2.4-13 Proponent Proposed Design Features. P. 2-106.

Worse, the sections that need to contain the most specific and tailored mitigation measures to prevent, avoid, compensate, or otherwise counteract destructive environmental effects, are empty or severely limited:

2.4.9.1 Agency Identified Mitigation. P. 2-118.

2.4.9.2 Stibnite Gold Mitigation Plan. P. 2-118.

The first is blank except for a reference to the mitigation section in Chapter 4. The second contains only four separate stand-alone mitigation plans listed:

1. Stibnite Gold EMMP
2. Fisheries and Aquatic Resources Mitigation Plan
3. Fishway Operations and Management Plan
4. Conceptual Stream and Wetland Mitigation Plan

The DEIS and DSEIS list and analyze in depth 16 separate environmental components for Issues and Environmental Effects caused by the Project. And yet the preparers chose to develop detailed mitigation plans for only four? Why were the four resources chosen? And why were 11 not chosen for mitigation plans? Among them were seven:

2. Climate Change
3. Soils and Reclamation
5. Surface Water & Groundwater
7. Wetland & Riparian
9. Wildlife & Wildlife Habitat
15. Special Area Designations
16. Tribal Rights and Treaties

Why did these major resources substantially affected by the Project not warrant being given specific mitigation plans? The proponent and Forest Service expend considerable effort and pages to document the adverse effects of the new modified mining Project. And yet they expend comparatively little effort trying to reduce the residual effects of the Project post-application of management requirements and mitigation measures. Between DESIS and FEIS, the FOREST SERVICE needs to live up to its mission, tighten down, and instruct Midas-Perpetua to find measures to further reduce adverse effects on the above five resource areas, as well as the four above with mitigation plans. And in addition, it needs to challenge Midas-Perpetua to reduce adverse effects on the rest of the 16 resource areas in the DSEIS.

The Forest Service has missed the boat in a key area. In the DSEIS it has no separate resource section for an essential public resource area: Public Health and Safety. Both Alternatives considered will greatly increase existing threats to human safety and life, including groundwater poisoning, surface water poisoning, toxic chemical and waste spills, road traffic collisions, land and water recreationist sickening and injury, and air pollution effects on workers and recreationists, for starters. Some threats were mentioned though briefly in the document, e.g. potential "...localized, temporary, and major impacts from infrequent large avalanches." P. 4-16. This is unquestionably a critical area and should be treated as such in the SDEIS. Aspects of this issue are scattered among several other resource areas, but that fragments it and dilutes its importance, as well as hinders a comprehensive "hard look." Human health impacts need to the FEIS as a separate resource section, and the direct, indirect, and cumulative effects of the Alternatives on Public Health and Safety need to be analyzed more objectively. Due to the critical possibility of loss of human life and health, the FOREST SERVICE needs to develop and disclose a Worst Case Scenario, and need to be provide it for public review and comment.

The DSEIS analysis needs to be realistic and objective based on past success/failure rates of impact reduction. What is the success likelihood of each of the mitigations listed and proposed? And what are the consequences of failure? And of the mitigations collectively? Stibnite is a historic poster child for failed mitigations in mining and reclamation. The same laws of physics apply today, the same law of unintended consequences, the same Murphy's law. And the same human nature to shortcut and take the easy way out. The ecosystem elements and systems are fragile, the mineral deposits are complex, the site is extremely harsh, the environmental obstacles are severe, cause-effects are highly complex, unknowns are multiple, and the best intentions of numerous mining companies and government agencies have individually and collectively failed for a century. Stibnite was and remains a mining disaster area. Superimposing a massive new mining event that almost doubles the with two massive open-pit mines that nearly double the mining footprint will make the whole system much worse. Soil will be massively displaced, water quality will degrade with hotter temperatures and increased sediment, fish populations will decline or be destroyed, wildlife habitat will be fragmented and destroyed, and recreation experience will be degraded and displaced, among the major significant and long-lasting effects. Species extinction will be accelerated. Climate change impacts will be increased by the Project and be cumulatively exacerbated. The farther into the future the mitigations that cost money, the more likely they will not be funded, or implemented, or monitored. Reclamation as designed and promised will become increasingly

unlikely. The rose-colored SDEIS write-up of environmental consequences will more likely become obsolete. It is Stibnite's past, and its likely future. The FOREST SERVICE needs to fix the effects analysis. It needs to replace unfounded over-optimistic analyses of mitigations and their net effects, with realistic risk analyses of adverse effects, and mitigations to reduce those effects further.

5. GOING BEYOND THE PROPONENT'S PREFERRED ALTERNATIVE.

The Forest Service adopts the mining company's preferred alternative as its own Preferred Alternative. This is unusual and highly suspect for something of this magnitude and complexity. The agency has its own entirely different institutional purpose and mandate. It should not take the easy way out. It should not favor exactly the same alternative the project proponent promotes. The SDEIS does not do enough, as NEPA requires, to "rigorously explore and objectively analyze" alternatives to and mitigations for the damage the Proposed Action will cause. The Preferred Alternative does not try hard enough. It falls short of the Forest Service's mission to Care for The Land and Serve People. It also needs to further analyze the major negative effects to soils, surface water, ground water, wetlands and riparian areas, fisheries and aquatic resources, wildlife populations and wildlife habitat, Tribal Rights and Interests, and Public Health and Safety.

I am a public land owner, as you are. We co-own the National Forest Lands for which this new Stibnite Mine project is proposed. The Forest Service has its own national mandate in laws, regulation, policy, and mission. The proponent has sharply contrasting objectives. Unlike the mythical King Midas, everything Midas-Perpetua touches will never turn to gold. Much will be permanently destroyed. The job of the Forest Service is to minimize that. Not just buy off 100% on the proponent's alternative. Gifford Pinchot would not be proud of the agency as it buys-in on the proponent's Project. The FOREST SERVICE needs to do better than Midas-Perpetua. It needs to require Midas-Perpetua to do the right thing for our nation and its long-term environmental needs while meeting the archaic 1872 General Mining Law.

Since gold mining began near the turn of the century, each Stibnite mining operation was always as state-of-the-art for its time—just as this one Midas-Perpetua purports to be. And yet in 2023, more than a century later, Stibnite and vicinity is a major environmental disaster area. It is logical to predict that in four decades, when "Perpetua" has pulled out and left the mined land to the Forest Service, the new Stibnite will be a much larger environmental sacrifice area, its full nature only realized at that time. It happens with every large mine. It is bound to happen with this one. Perpetua will be gone. The co-owners of the land--our descendants--will be left holding the problem. Perpetually. Is this your gift to our future generations? Your actions can decide otherwise.

Sincerely,



David C. Santos

cc: Sens. Patty Murray, Maria Cantwell, Congresspersons Rick Larsen, Chellie Pingree