



## Idaho Outfitters & Guides Association

10/21/2024

Kelly Orr, Objection Reviewing Officer  
Intermountain Regional Office  
324 25<sup>th</sup> Street  
Ogden, UT 84401  
Submitted electronically via the project webpage

### Re: Stibnite Gold Project Plan Objection

Submitted Electronically via the project web page on 10/21/2024

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### OBJECTOR CONTACT INFORMATION

**Name:**

Pursuant to 36 C.F.R. § 219.54 (c)(3) Jack Hurty of the **Idaho Outfitters & Guides Association** (IOGA) is designated as the lead objector.

**Objector:**

Idaho Outfitters & Guides Association  
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Jack Hurty  
Salmon/Steelhead Coordinator  
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Aaron Lieberman  
Executive Director  
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**Name of project being objected to:**

Stibnite Gold Project

**Name & Title of Responsible Official:**

Matthew Davis, Payette National Forest Supervisor  
Brant Peterson, Boise National Forest Supervisor

**Location—National forest/ranger district where project is located:**

United States Forest Service (USFS) Boise National Forest (BNF) and Payette National Forest (PNF), Valley County, ID

**NOTICE OF OBJECTION**

The Idaho Outfitters & Guides Association (IOGA) files this objection to the Stibnite Gold Project (SGP) Final Environmental Impact Statement (FEIS) and the Draft Record of Decision (DROD) per the procedures described in 36 CFR 219, Subpart B.

**ELIGIBILITY TO OBJECT**

The Objectors have participated in the development of this proposed plan, most recently in submitting substantive formal comments alongside Trout Unlimited and Idaho Wildlife Federation for the 2020 Supplemental Environmental Impact Statement for the Stibnite Gold Project. Our objections are based on concerns raised in our previous comments.

See attached copies of substantive comments previously submitted.

**Introduction**

This letter presents the objections of IOGA regarding the Stibnite Gold Project. Please include these comments and any materials or exhibits submitted with these comments as part of the administrative record for this Forest Plan action. Additionally, **we hope you will consider the limited objections and remedies we have enumerated and provide IOGA the opportunity to meet and discuss possible resolutions to our objections.**

**The Commenter**

The Idaho Outfitters & Guides Association (IOGA) is a nonprofit business trade Association established in 1954 in Salmon, ID, representing licensed outfitters that are special use permitted within the Payette and Boise National Forests to provide services to the recreating public. These outfitters serve thousands of forest visitors (annually) through facilitating their recreation experiences, use and enjoyment of the recreation resources, and opportunities provided and managed by the United States Forest Service (USFS). We thus have a deep interest in and are affected directly by the Forest Planning process overall, and in the planning and permitting of the Stibnite Gold Project. Provisions of the plan will directly affect outfitters and guides and our ability to provide services to the public who desire a guided visit on lands and waters within the Payette and Boise National Forests.

**Objections**

**I. Impacts on Outfitter and Guiding/Outdoor Recreation Industry**

IOGA's Comment letter 18871, number 23 emphasizes the negative impact of the SGP on access to public lands within the Operations Area Boundary and some adjacent areas, particularly as it affects the access of the public through outfitters identified as Elk Springs Outfitters, Idaho Wilderness Company, and Juniper Mountain Outfitters. Not only will permitted outfitters lose access to 25-50% of their operating area in the units adjacent to the SGP, but the game populations that such operations rely on will inevitably be disrupted by the expansion of the Burntlog Creek route, noise from blasting of rock, heavy truck traffic, and all the other activities inherent in construction of the gold mine and ancillary facilities. These effects are supported by the analysis in the Recreation Specialist Report, particularly section 7.2.2.4. The USFS's response to our comment raising these concerns dismisses this loss of access, the disruption of game populations, and the subsequent undue economic burden, saying that outfitters should "*relocate to other areas as feasible.*" (FEIS Appendix B page B-522) This overlooks the reliance that hunting outfitters have to the terrain they guide clients in. More to the point, this statement reveals a fundamental and critical misunderstanding of the outfitter licensing and permitting system in place in Idaho. In particular as regards outfitters licensed by the State for hunting outfitting, it is simply and quite literally impossible for such outfitters to expand or relocate their operations/areas of operation, as the State's licensing system has established, non-overlapping operating areas for hunting outfitters. While a Land Management Agency with authority over special use permitting *might* consider (through lengthy and expensive processes) amending the permitted areas for a given hunting outfitter, State licensing—and the associated Memorandum of Understanding (MOU) with the State, USFS, BLM, IDFG, and IDL—renders this suggested *relocation* moot. It is simply not possible under current Statute and Rule. Moreover, even *were* such germane statutes and rules amended, *relocating* such operations would require *cutting* parts of *other* hunting outfitter operating areas in order to do so. combined with the acknowledged disruptions to game populations, will inflict undue and significant operational and financial hardship upon these outfitters and result in losses in access and opportunity for the public they serve. Perpetua has made much of the economic benefits—they claim—the project will bring to Valley County, but the project has the potential to put outfitters out of business and significantly reduce public access and opportunity in the area(s) in question.

We recommend that the USFS and Perpetua *accurately, specifically, and meaningfully* analyze the negative impacts on outfitting operations within and adjacent to the Operations Area Boundary and that the No Action Alternative be reconsidered to avoid the undue economic harm to these outfitters. If the USFS chooses to go ahead with the 2021 Modified Mine Plan, we request that a mitigation plan be developed with these parties—to minimize the impact on the outfitters and to compensate them for any inevitable subsequent loss of business and income they might suffer due to the impact of the Stibnite Gold Project.

Comment number 17 detailed the current economic impact of hunting and fishing in Idaho, part a strong and growing outdoor recreation industry that drives income and job in rural Idaho, particularly in Valley County, with its access to the western side of the Frank Church River of No Return Wilderness (FCRNRW) and the Johnson Creek, East Fork of the South Fork, and South Fork of the Salmon drainages. The relevant section in the FEIS is 4.21. Section 4.21 performs what could at best be called a *surface level summary* of *possible impacts* to the outdoor recreation industry—and even with this limited perspective, the outlook is grim for small outdoor recreation businesses in Valley County. The FEIS notes that "*possible that adverse economic*

*impacts on individual businesses and community economies could occur”* (pg 4-654). The FEIS also predicts the displacement of recreation from around the Operations Area Boundary, but does not detail to what extent that will occur. Rather than address this with data and meaningful analysis, the USFS again waves away valid concerns over the impact of the Stibnite Project, writing that displaced users will simply shift their recreation to nearby areas. This is conjecture, with no data cited to support it. It could be the case that the reputational impacts of a large open pit gold mine in active operation damages the outdoor recreation industry in the South Fork corridor and even downstream, where economic activity on the Wild and Scenic Main Salmon and the Lower Salmon River generate millions of dollars and thousands of jobs every year. While the geographic boundaries of the Stibnite Project may be clear to the USFS, the general public has little idea of the distinction between the East Fork South Fork of the Salmon and other drainages that see recreational use. A damaging, highly publicized spill of diesel, or other toxic chemicals around the East Fork South Fork of the Salmon would, for example, indubitably create problems for river outfitters trying to run trips on the Middle Fork of the Salmon, the Main Salmon, or the Lower Salmon. We strongly recommend that the USFS revisit their economic predictions in consultation with the IOGA, the Idaho Department of Commerce, and the Idaho Outfitters and Guides Licensing Board and, further, perform an actual, detailed analysis of the consequences of this project to the outdoor recreation industry, using data, modeling, and forecasts of the Construction, Operations, Reclamation, and Closure phases, just as they have for every other aspect of the FEIS.

## **II. Impacts to the Middle Fork Corridor**

One concern raised on behalf of the guiding and outfitting industry in Comment 18871 letter number 25 bears on the probable effects on the Middle Fork of the Salmon river and corridor. Considered by many to be the “Holy Grail” of Idaho river trips, the Middle Fork sees over 10,000 users every year, with approximately 70% of user-days occurring on commercial river trips. The Stibnite Gold Project and the Burntlog Route present two significant threats to the Middle Fork and the businesses that rely on it. First, the social impacts of a large gold mine in the Salmon River watershed will damage the reputation of the Middle Fork as a pristine, clean, wilderness river and experience. The vast majority of the public do not know the difference between the Middle Fork and the East Fork South Fork, and conflation of this pristine, Wild and Scenic river with an open pit gold mine will be common and damaging. This will create challenges for outfitters in booking their trips, and they could suffer undue economic impact. The economic analysis carried out by the USFS in the FEIS does not substantively contemplate the possibility and magnitude of these impacts. We request that the USFS take a “hard look” at the reputational and social impacts of an open pit gold mine within the Salmon River Basin, and proximal to recreational resources of the Middle Fork of the Salmon and the FCRNRW.

Second, the direct impacts on the Middle Fork and the FCRNRW will have real effects on identified and valuable wilderness characteristics, particularly the untrammelled and undeveloped qualities and the opportunities for solitude and unconfined recreation. The dust from mining activities and pollution haze will affect the scenic viewshed of the Middle Fork and the surrounding Congressionally-designated Wilderness, and noise from the mining operations will affect wildlife populations. Light pollution from the Project will harm the values of the Central Idaho Dark Sky preserve. Additionally, the Selected Alternative with the Burntlog Route will directly impact the Middle Fork drainage, and inheres a risk of spill of mining materials within

the Middle Fork watershed as the heavy trucks pass over Big Chief Creek and the upper Indian Creek drainage on the Meadow Creek Lookout Road (FR 51290). Should a spill occur, toxic materials would flow downstream quickly to the mainstem of the Middle Fork, with immense negative consequences for native and protected fish and wildlife, as well as the potential for direct impacts on human users of the Middle Fork. It is unclear how the project operator intends to fully minimize this specific impact, and in the event of a spill, it will do lasting damage to the wilderness. The FEIS and DROD discuss spill mitigation procedures generally, but the Burntlog Route exposes this uniquely protected and valuable watershed, and they do not adequately or specifically describe how the Project Operator intends to protect the Middle Fork and the FCRNRW from the risk of contamination from heavy truck traffic along the Meadow Creek Lookout Road. We request that the USFS and the Project Operator lay out specifically their plan for the Meadow Creek Lookout Road as well as any other road segments that lay proximal to or within the watershed boundaries of the FCRNRW and the Middle Fork of the Salmon.

The USFS response to these concerns of impacts to the intrinsic value of the wilderness characteristics of the Middle Fork and the FCRNRW, as raised in our previous comments, was to note that the Middle Fork is 20 miles east and would not be affected. This response is inadequate, and misrepresents the effectual proximity of the mining infrastructure to the river corridor and surrounding watershed, and from an environmental and biological perspective, borders on absurdity given the wide ranging effects this project will have on the migration corridors for a myriad of species, from salmon to wolves to migratory birds. The Gray Wolf can range up to 30 miles in a day, meaning it could easily traverse the distance between the Middle Fork and the Project Area. Plants and animals do not follow the boundary lines between National Forest, Wilderness, Project Area, etc., and effects outside of the Wilderness area will be felt within it.

We request that the USFS take a “hard look” at the effects to the Middle Fork of the Salmon River, the river corridor and watershed, and the FCRNRW in their Selected Alternative and consider a different route, whether the Johnson Creek route or another, to eliminate spill risk to the Middle Fork drainage and to ensure the maintenance of key wilderness values and characteristics. While we appreciate the extent to which the project operator has attempted to incorporate mitigation measures for dust, pollution, noise, and other disruptions to wilderness characteristics, they are inadequate and the FCRNRW and Middle Fork Wild and Scenic River will be negatively impacted. Beyond the risk to the intrinsic value of the pristine wilderness, the social and reputational impacts to the whitewater, fishing, and land-based outfitters on the Salmon River and FCRNRW cannot be ignored. For these reasons, we request that the USFS take another “hard look” at the No Action Alternative to avoid broader negative impacts, and the Johnson Creek Alternative to avoid exposing the Middle Fork watershed to spills. Should the Plan of Operations proceed as currently intended, we request that the project operator and the USFS meet with the Idaho Outfitters and Guides Association, Elk Springs Outfitters, Idaho Wilderness Company, and Juniper Mountain Outfitters, and the Middle Fork Outfitters Association to discuss avoidance, mitigation, and compensation measures. We also suggest some specific remedies to mitigate these harms to wilderness values:

- To mitigate emissions plumes and haze, the Project Operator should schedule emission-generating activities so that emissions would be limited during late afternoons

and evenings when emissions might be most visible and when recreationists are particularly observant of atmospheric conditions such as the sunset. The Project Operator could also set up a mitigation fund to identify other significant sources of point-source pollution proximal to the FCRNRW and offer to pay to replace or upgrade them with cleaner technology to offset their own pollution.

- It would be impossible to fully mitigate light pollution. However, the Project Operator could again create a mitigation fund to finance and assist other individuals, businesses, or organizations to reduce their own light pollution around the FCRNRW and in West Central Idaho.
- The project operator should mitigate negative effects on the reputation and public perception of outfitted recreation on Middle Fork and Main Salmon, as well as in the FCRNRW with a fund to help outfitters educate the public about the difference between the Wilderness, Wild and Scenic rivers, and the open pit gold mine.

### **III. Concerns about Reclamation and Spawning Habitat**

Comment Letter 18871, numbers 7 and 8, concern the available habitat for protected fish species, including vital spawning habitat for salmon. The USFS response claims that mitigation measures will decrease stream temperatures over time, but the analysis explicitly excludes climate change projections. The new Phase II NEPA requirements issued by CEQ require agencies to take into account climate change in their decision making and analysis. While the Phase II requirements do not strictly apply to the Stibnite Final Environmental Impact Statement (FEIS), the USFS is missing a crucial piece of the picture by not including climate change projections in their environmental consequences analysis. We request that the USFS revisit their water temperature modeling using relevant quantitative climate data to ascertain how water temperatures are projected to rise or fall over the next 100 years. Not only will this inform management decisions, but it will reassure concerns in the community over the effects of the project on precious fisheries. As it stands, the lack of forward-looking climate data in the water temperature analyses undermines the integrity of the claims regarding the aforementioned mitigation outcomes and is the source of much public mistrust in the agency and its process. Additionally, failing to include up-to-date guidance and data on climate is a failure to take a “hard look” at the environmental consequences of this project.

Justification for approving the Stibnite Project hinges on the environmental and reclamation benefits claimed by Perpetua. The USFS’s analysis and projections with regard to the quality and availability of spawning and rearing habitat relies on the assumption that the reclamation process will proceed as the project operator claims, without delays or changes. While we are hopeful that this will be the case and that the reclamation process will be successful, complications, and failure are a risk inherent to any project. Water temperatures could rise above predicted levels, containment measures could fail, and any number of human errors hindering or delaying the process could occur. Additionally, the financials of the mining industry are fundamentally based on fluctuating commodity prices, gold in particular. Should market prices shift, the extraction of minerals from the Stibnite Mine could become financially unviable, and a lack of capital would prevent the project operator from fulfilling their promises of environmental restoration. To provide accountability and legitimacy for the reclamation process, Perpetua is putting up a reclamation bond, but how that will be administered and the amount of money

housed in the bond is unclear. This raises significant questions about how the reclamation process will proceed should Perpetua encounter financial or technical difficulties, and the enforcement mechanisms for failing to complete reclamation are unclear in the FEIS and the DROD. In the 2019 Pre-feasibility Analysis, the cost estimate for the reclamation bond was \$66.5 million. In the 2021 Feasibility Study that cost estimate increased to \$100 million. The FEIS does not include any calculations for reclamation costs or bonding amounts. The public has a right to know how the Project Operator will be held accountable and how our lands and waters will be protected and reclaimed from mining operations. We request that the USFS provide more clarity on how agencies will hold Perpetua accountable to this reclamation plan, including but not limited to pre-determined thresholds or timelines as triggers for review or action, as well as more information on the reclamation bond, including the amount negotiated and how that amount is determined.

#### **IV. Fishway Tunnel**

Comment Letter 18871, Number 9: This comment raised concerns that the fishway tunnel would be unsuccessful in allowing fish passage to upstream spawning habitat to mitigate for the degradation of current spawning grounds. The USFS admits that the efficacy of the tunnel is unknown, but that the design follows NMFS guidance for fish passage. Both the tunnel and the trap and haul facility are designed to accommodate levels of anadromous fish and bull trout migration based on past surveys. However, populations of these fish are low compared to historical abundance, and the federal government has made recovery of anadromous fish a priority in recent years. Should downstream policy changes (flow augmentation, new spill regimes, dam retirement) be realized, the South Fork Salmon would likely see a strong increase in anadromous fish returns, hence potentially overloading the bypass systems. Without more capacity to bypass fish, Chinook salmon and steelhead attempting to access their spawning grounds would stand to experience heightened and unacceptable levels of mortality. This is especially likely if the—at best *experimental*—fishway tunnel should in fact prove ineffective, or less so than hypothetical models might suggest. In the event that the fishway tunnel is not functional, the Project Operator is proposing to enact trap and haul operations to transport fish above the passage blockage. However, there is little to no analysis of trap and haul on these species in this unique situation. Fishery agencies have carried out extensive trap and haul operations providing transportation around migration barriers in the Snake River Basin, and it is well known from these operations that trap and haul stresses migrating fish and can lead to excess mortality. These stressors will only be compounded by the risk of rising water temperatures, increased sedimentation, and water contaminants inherent in this project. More analysis is needed by the USFS and the Project Operator to ensure that ESA-listed salmon, steelhead, and bull trout populations are not driven to extirpation by stressors resulting from the fish bypass systems. We recommend that the USFS and Perpetua revisit the design of the fish bypass systems and increase their capacities in order to ensure the adequacy of the fishway tunnel and the trap and haul system in this specific scenario.

#### **V. Problems with Section 7 Consultation**

In Comment Letter 18871, Number 5, IOGA requested that the USFS engage in formal Section 7 consultation with National Marine Fisheries Service (NMFS) and United States Fish and

Wildlife Service (USFWS). The response from the USFS was that they had done so. While NFMS *did* issue an Incidental Take Permit, they make it clear throughout the BiOp that the “*proposed action is reasonably certain to result in incidental take of ESA-listed species.*” The BiOp also lists 13 Conservation Recommendations in section 2.19 of the BiOP to ensure that Essential Fish Habitat (EFH) is protected, as required by the Magnuson - Stevens Act (MSA). Those actions are:

**Redundancy in Safety for Backfill Liners:** The USFS and the applicant should increase the safety factor of the clay liner used on the Yellow Pine Pit backfill to protect against potential failure from bedload scour, ensuring surface water does not go subsurface, especially in the event of a 100-year flood.

**Reducing Mercury Loading:** USFS should explore opportunities to reduce mercury contamination from other sources within the East Fork South Fork Salmon River (EFSFSR) watershed, such as historic mines (e.g., Cinnabar Mine).

**Stormwater Runoff Control:** The USFS and the applicant should implement best management practices (BMPs) to ensure that stormwater runoff from roads does not flow directly into stream channels but instead is directed to vegetated areas for natural filtration.

**Limiting Surface Disturbance:** Standard construction practices should minimize surface disturbance, clearly delineating work zones to prevent unnecessary impacts on EFH.

**Monitoring and Stopping Turbidity:** Turbidity should be monitored, and construction halted if turbidity exceeds 50 NTUs above background levels for more than 90 minutes, or at any point if it approaches 100 NTUs, to limit sediment-related impacts on fish habitats.

**Fish Habitat Restoration Review:** USFS should ensure that NOAA reviews and approves various plans (e.g., Fish Management Plan, Water Resource Management Plan) related to the mine site before finalization, focusing on minimizing potential impacts on fish habitat.

**Water Treatment Plant Design:** The applicant should ensure that water treatment plants are designed, operated, and maintained effectively to protect water quality and manage pollutants like arsenic and antimony from mine effluents.

**Water Quantity Management:** Ensure the proposed action does not significantly reduce streamflow in ways that could harm EFH, with a focus on maintaining flows that support fish migration and spawning.

**Riparian Vegetation and Shade:** Efforts should be made to ensure that riparian vegetation is restored to provide adequate shade, which helps control water temperature—a critical factor for fish habitats.

**Road Maintenance BMPs:** The applicant should adopt measures like Erosion Control, Stormwater Runoff, Vegetation Management, Construction Practices to minimize impacts



on nearby watercourses, focusing on preventing sedimentation and ensuring habitat connectivity.

**Addressing Fish Barriers:** Ensure that stream crossings, culverts, and other infrastructure do not create barriers to fish passage, maintaining connectivity for migration, especially for salmonids.

**Restoring Disturbed Areas:** Post-construction restoration efforts should focus on restoring any disturbed areas to their natural state, with specific attention to ensuring that habitat functions for fish species are reestablished.

**Long-term Habitat Monitoring:** Establish and maintain a long-term monitoring program to assess the effectiveness of restoration and mitigation measures, ensuring they successfully offset adverse impacts on EFH.

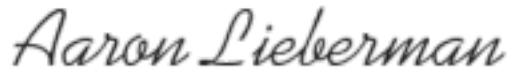
The results from the Section 7 consultation with NMFS including these conservation measures were not released until October 7, 2024, leaving minimal time for analysis, and it is largely unclear to the public how this consultation influenced the FEIS. This shortened time period, along with the conclusions drawn by NMFS about the threats to EFH and ESA-listed fish are gravely concerning to us and our members. We request that the USFS reconsider the No Action Alternative to avoid the impacts to ESA listed fish and EFH in the EFSFSR drainage. If the USFS continues with the Selected Alternative, we request that the Project Plan and Project Operator implement all these measures, and make clear how it will continue to protect threatened fish species and ensure Incidental Take is maintained under the levels set by the Permit.

## **VI. Burntlog Maintenance Facility Sedimentation Risks**

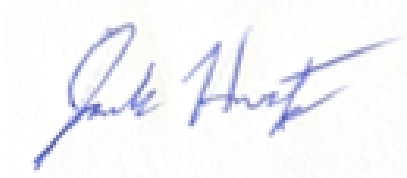
Comment number 24: This comment raises concerns about water quality impacts on the East Fork South Fork Salmon and surrounding tributaries. Among the most significant sources of mortality for spawning and rearing fish is the sedimentation of redds and fertilized eggs. The USFS response noted that the water quality analysis in 4.9 discussed the potential for sedimentation in detail. In section 4.9-15, the FEIS admits that “*construction and operation of the Burntlog Maintenance Facility and the SGLF would have the potential for increased runoff, erosion, sedimentation (as a result of vegetation removal and excavation of soil, rock, and sediment) and fuel and/or material discharge to nearby water bodies during operations.*” However, the FEIS does not fully analyze the sedimentation and erosion risk from the construction of the Burntlog Maintenance Facility, but rather suggests that design features and permit stipulations make the effects negligible (4-261). The FEIS fails to offer any real evidence for this claim, *hand waving away* valid concerns about the impact of these facilities. We recommend that the USFS and Perpetua revisit this section and do an adequate (*intensive*) analysis of the erosion and sedimentation risks from these and other facilities within the project area in order to support, or prove unsubstantiated, the claim that there is a negligible risk of damage to water bodies as well as spawning protected fish. We also recommend that they implement the 13 Conservation Recommendations in the Section 7 Consultation to minimize the impact to the aquatic resource and fisheries of the EFSF drainage.

## **VII. Conclusion**

Thank you for the opportunity to provide comments. We remain concerned about the impacts of the proposed action on fish wildlife and outdoor recreational opportunities that our groups cherish. We look forward to working with you in the future.

A handwritten signature in black ink that reads "Aaron Lieberman". The script is cursive and fluid.

Aaron Lieberman  
Executive Director  
Idaho Outfitters & Guides Association

A handwritten signature in blue ink that reads "Jack Hurty". The script is cursive and somewhat stylized.

Jack Hurty  
Salmon & Steelhead Coordinator  
Idaho Outfitters & Guides Association