October 21, 2024

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Objection to the Stibnite Gold Project #50516

Objector Contact Information:
Idaho Wildlife Federation, Lead Objector.
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[redacted]

Certification of Filing:
This objection was timely filed by electronic transmission to: https://cara.fs2c.usda.gov/Public//CommentInput?Project=50516. Dated this 21st day of October 2024.

Objector's Notice, Statement of Reasons and Suggested Remedies

Objector's Notices, Statement of Reasons

Pursuant to 36 CFR 218 Subpart B and §218.5(a), the Idaho Wildlife Federation (IWF) objects to the Stibnite Gold Project #50516, proposed by the Payette National Forest (PNF), Responsible Official Matthew Davis, Forest Supervisor.

IWF is Idaho's oldest statewide conservation organization, founded by sportsmen and women in 1936. Today, we represent a nonpartisan voice of 28 affiliate organizations with 45,000 affiliate members and individual supporters who desire to sustain and enhance Idaho's fish and wildlife, conserve their habitat, and maximize sporting opportunity for current and future generations. Our efforts advance "made in Idaho" solutions to the modern challenges of wildlife management.

Connection to Prior Specific Comments

IWF has been engaged in discussions and deliberations on this project since the Draft Environmental Impact Statement. IWF and partnering organizations submitted comments and recommendations to the Forest Service on the Draft Environmental Impact Statement on October 28. 2020 as well as the Supplemental Draft Environmental Impact Statement (SDEIS) on January 10, 2023. Our objections are centered around the response, or lack of response to concerns raised in these previous comments. We have attached copies of our substantive comments previously submitted.

Statement of Reasons

Fisheries

Climate Change

In our SDEIS comments, IWF raised concerns related to increased stream temperatures associated with mine-related environmental changes. Our concerns are centered around the potential impacts the project will have on cold-water reliant species such as bull trout, Chinook salmon, steelhead, and cutthroat trout, especially compounding with the effects of climate change.

The response to these concerns raised is inadequate. The FEIS (Appendix B-383) states that "quantitative modeling of climate change is outside the scope of the water temperature analysis." The National Environmental Policy Act (NEPA) requires agencies to take a "hard look" at the potential impacts of a proposed action, "including identifying and describing reasonably foreseeable environmental trends, including climate change effects." (CEQ-202-005).

We are concerned that the omission of climate change data and applied effects paints an inaccurate and underestimated impact on cold-water reliant fisheries within the project area. Climate change data must be incorporated into all analyses before a decision is signed.

East Fork Fish Tunnel

In our SDEIS comments, IWF commented on the proposed 1-mile fish tunnel that is heavily relied upon to justify the statement that miles of habitat upstream of and around the mine will be opened up and to compensate for the waste dump. We commented that the tunnel, while highly engineered, still is fraught with uncertainties and unproven success for Chinook salmon, steelhead, bull trout, and cutthroat.

The FEIS response (Comment Letter 18871, Comment Number 9) agrees that the success of the fishway tunnel would not be known until it is constructed and operated, but the guidelines used in the design of the fishway tunnel follows NMFS guidelines for fish passage. IWF feels that this statement is too dismissive of the concerns raised in the SDIES and is insufficient to proceed with a decision on the fish tunnel, especially given the hinging justification that claims that miles of habitat upstream of and around the mine will be opened up and to compensate for the waste dump. Additionally, the FEIS contains language referring to trap and haul measures if the fishway tunnel is not successful in facilitating passage, yet there remains little information on the impact of these measures on anadromous and resident fish species.

Section 7 ESA Consultation
IWF's previous comments laid out the necessity for Section 7 ESA consultation between the U.S. Fish & Wildlife Service, NOAA Fisheries/NMFS, and the Forest Service due to the presence of steelhead, salmon, and bull trout in the South Fork Salmon River watershed.

In its' Biological Opinion, NMFS determined the following conservation recommendations "are necessary to avoid, minimize, mitigate, or otherwise offset the adverse effects of the proposed action on EFH (Essential Fish Habitat)":

1. To address ground disturbing habitat effects to the spawning habitat, and complex channel and floodplain habitat HAPCs:
    a. Standard construction practices, including minimizing the amount of surface disturbance and clearly delineating all work zones before starting construction, should be applied to minimize the potential to deliver sediment to action area streams.
    b. Turbidity should be monitored as proposed, but construction activities should stop if turbidity levels 1,000 feet downstream of their source begin to approach 50 NTUs above background or are visible for more than 90 minutes or begin to approach 100 NTUs above background at any time. After stopping the activities, NMFS should be contacted to determine when work can proceed and if additional BMPs need to be employed to further minimize the intensity of remaining plumes to ensure extent of take is not exceeded.
    c. A visual turbidity monitoring program should be initiated if drilling occurs in RCAs. Visual monitoring should occur at least two times during drilling activities at each location. If visible turbidity is present downstream of drilling activities, operations should cease until the source of turbidity can be identified and mitigated.
    d. The USFS and the applicant should consider developing redundancy as a safety factor for the liner (e.g., a thickening of the clay layer) used on the YPP

backfill to better protect against bedload scour and potential failure, better ensuring that surface flows do not go subsurface. The safety factor should be based on a maximum scour depth of the 100-year flood event, factoring in necessary considerations for climate change.

e. The USFS should obtain NMFS review and verification of the following plans and design prior to their finalization and implementation: FMP, WRMP, FOMP, Adaptive Management Plans, Closure and Reclamation Plans, atypical road maintenance/repair activities within RCAs, stream designs, surface water diversion intake design, and EFSFSR diversion tunnel design.

2. To address water quality effects to the thermal refugia, spawning habitat, and complex channel and floodplain habitat HAPCs:
    a. Perpetua should ensure water treatment plants are designed, operated, and maintained in a manner that ensures optimal removal of contaminants and adherence to effluent limits.
    b. Perpetua should request IDEQ derive effluent limits using 5^{th} percentile hardness levels representative of the season for which effluent limits are derived, even when those levels are lower than the hardness floor identified in the Idaho Water Quality Standards.
    c. During operations, when West End Creek is diverted around the West End Pit, Perpetua should treat water in West End Creek prior to discharge to the existing channel below the West End Pit. The objective of treatment is to reduce total mercury concentrations to levels that currently exist as YP-T-6 and to not increase total mercury loading to Sugar Creek during operations.
    d. Considering the proposed action will increase traffic on roads, the USFS and applicant should consider implementing BMPs to ensure stormwater runoff from roads does not directly drain to stream channels. Instead stormwater runoff from roads should be directed to vegetated ground where it can infiltrate.
3. To address streamflow effects to the thermal refugia, spawning habitat, and complex channel and floodplain habitat HAPCs:
    a. The permittees should manage water diversion, use, and discharge such that:

        i. Flow in Meadow Creek will not be reduced below 3.0 cfs between the confluence of Meadow and Blowout Creeks and the confluence of Meadow Creek and the EFSFSR.
        ii. Flow in the EFSFSR at the POD will not be reduced below 7.25 cfs from June 30 to September 30, or less than 5.0 cfs from October 1 to June 29.
        iii. Flow in the EFSFSR below the confluence with Sugar Creek will not be reduced by more than 20% whenever unimpaired flows are less than 25 cfs.
        iv. The diversion of water directly from the EFSFSR should not exceed 4.5 cfs.
        v. Recognizing that actual flow reduction may differ from that modeled and presented in Table 60, Perpetua and the USFS should work with the IARB to review annual water quantity monitoring results to ensure that operations are adjusted, as needed, to be consistent with the effects analysis in this opinion.

b. The permittees should ensure that a fish screen(s) and bypass system(s) are present on the EFSFSR diversion and meet NMFS (2022a) criteria.
c. The permittees will ensure that the WEP Lake drainage does not exceed 185 acres.

While we understand that NMFS did issue an incidental take permit, the public was not provided these results until October 7, 2024. This is an inadequate amount of time for the public to review and analyze the conservation measures that would be implemented as a result of the incidental take permit. The Forest Service is turning its' back on the public by hinging this decision on this Biological Opinion. The Forest Service cannot issue a Record of Decision before the public has sufficient time to process this important document.

Wildlife

Mountain Goats

IWF's comments on the SDEIS raised concern on the omission of analysis on impacts to mountain goats, specifically on the access and operations of the Burtlog Route. Mountain Goats are listed as a Species of Greatest Conservation Need by Idaho Department of Fish & Game (IDFG) and have been documented in IDFGs Upper South Fork Population Management Area (PMU).

IDFG describes the current and future pressures on mountain goats in its Mountain Goat Management Plan:

> "Most threats facing mountain goats in Idaho are either direct threats to their habitats or indirect threats that could cause them not to use available habitat (Festa-Bianchet and Cote 2008). For example, road construction, timber harvest, mining, power infrastructure, oil and gas extraction, climate change, wildfires, and fire suppression are direct threats to mountain goat habitat and are likely to negatively affect nearby mountain goat populations...These disruptions may result in a variety of negative impacts, including habitat abandonment, changes in seasonal habitat use, alarm responses, lowered foraging and resting rates, increased rates of movement, and reduced productivity (Pendergast and Bindernagel 1976, MacArthur et al. 1979, Foster and Rahs 1985, Hook 1986, Joslin 1986, Pedevillano and Wright 1987, Dailey and Hobbs 1989, Frid 1997, Duchense et al. 2000, Phillips and Alldredge 2000, Dyer et al. 2001, Frid 2003, Gordon and Wilson 2004, Keim 2004)."

Subsequently, the Forest Service has dismissed these concerns and did not provide an in depth analysis for mountain goats, leading with the rationale that the species is not considered sensitive under the 2003 Forest Plan. The Forest Service concludes their response to our comments with "No impacts are anticipated to occur to this species as a result of the Project." IWF did not find any supportive evidence to justify this conclusion. Finally, the Forest Service claims, "…due to nearby occupied habitat, a statement regarding the potential use in the Project vicinity has been added to Section 3.14." IWF could not find evidence of this passage, and therefore is not convinced that this species has been adequately addressed.

Bighorn Sheep

IWF's comments on the SDEIS on bighorn sheep raised concern on the action alternatives' impacts to this iconic Western species. Our comments noted that Rocky Mountain Bighorn Sheep are a Forest Service Region 4 Sensitive Species and a Species of Greatest Conservation Need by IDFG. IDFG collaring data (2017b) verified several existing herds (Pinnacles, Big Creek, Monumental herds) and lambing areas within proximity to the SGP area. Approximately 59,405 acres of summer habitat and 10,306 acres of winter habitat is modeled within the wildlife analysis area, including some habitat on the Salmon-Challis National Forest. We concluded our SDEIS comments on bighorn sheep, saying "While the SDEIS concedes that under both alternatives, moderate impacts are expected to big game species, it does not go into enough detail into the direct and indirect disturbances or mortality associated with each alternative. Our groups feel that the Forest Service underestimates the impacts of the action alternatives on wildlife and focuses too much on the acreage reduction in wildlife habitat around the mine site rather than the lasting impacts of human disturbance on the way to the site."

The Forest Service's response is insufficient, saying "No further response required. General in nature or position statement." IWF again asks for a more in-depth analysis on impacts to bighorn sheep as it relates to transportation and access to the SGP site.

Recreation Economy and Public Access

IWF's comments on the SDEIS concluded that there was a lack of analysis on the impacts to existing recreational opportunities and public access. Section 4.21 of the FEIS provides what could at best be called a surface level summary of possible impacts to outdoor recreation and the outdoor recreation industry. The FEIS (p. 4-654) states that "adverse economic impacts on individual businesses and community economies could occur." Additionally, the FEIS seems to write off impacts to existing recreational users, stating that displaced users will simply shift their recreation activity to nearby areas. IWF finds this summary insufficient and recommends further analysis on these impacts. The limited analysis that is provided in the FEIS is too narrow in scope, only looking within a 5-mile radius and not studying on a broader, more accurate level.

Conclusion

Thank you for the opportunity to provide comments and participate in the objection process. IWF remains concerned about the impacts of the proposed action on Idaho's fisheries, wildlife, and recreational opportunities that we hold so deeply. We look forward to continuing to work through this process and providing comments where appropriate.

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