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Comments: Attached you will find scoping comments from EPA Region 10 on the NOI to prepare an EIS for the Stibnite Gold Mine. As the temporary acting manager of our Environmental Review Unit I am sending these comments on behalf of Lynne Hood (hood.lynne@epa.gov), who is the lead NEPA contact on this project for EPA. We appreciate the opportunity to engage with the Forest Service on this project and look forward to future conversations.

The U.S. Environmental Protection Agency has reviewed the Notice of Intent for the proposed Stibnite gold mine located on the Payette and Boise National Forests in Valley County, Idaho (EPA Project Number 17-0013-AFS). The NOI is based on a Plan of Restoration and Operation submitted by Midas Gold Corp (the Project Applicant) to the U.S. Forest Service, Payette National Forest in September, 2016. The Payette National Forest is the lead agency for the EIS and the NEPA process. Our review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.

The EPA will be a cooperating agency for the development of the EIS due to special expertise related to implementation of the Clean Water Act, as well as our NEPA compliance obligations associated with the issuance of a new source3 National Pollutant Discharge Elimination System (NPDES) permit for the project. Midas Gold has indicated they intend to apply for an NPDES permit for wastewater discharges from the proposed project. Pursuant to Section 51 I(c)(I) of the CWA and EPA's regulations for implementing the procedural provisions of NEPA at 40 CFR Part 6, EPA's issuance of a NPDES permit for the proposed project is considered a major federal action subject to NEPA compliance. EPA intends to adopt the USFS' EIS for this project in support of our decision making process for the NPDES permit.

Another key CWA permit related to EPA's role is our responsibility to review and comment on the U.S. Army Corps of Engineers' public notice of the Clean Water Act Section 404 permit application to allow the discharge of fill material into waters of the U.S. In addition, the EPA has been involved with the Forest Service and the State of Idaho in past CERCLA site assessment and removal actions associated with previous mining activities at the Stibnite gold mine site. Midas' plan proposes restoration of several legacy mine facilities. EPA has special technical expertise related to mine cleanup and an interest in ensuring the integrity of past CERCLA work. The Plan of Restoration and Operations includes mining of existing facilities, as well as additional new mine related activities. Together these include: three open-pits, tailings storage facility and dam, waste rock disposal, mill processing facility, employee camp, and road construction/maintenance.

#### Identification of Issues

We appreciate the supplemental information provided in the Forest Service's scoping package, including the list of preliminary issues identified for the project. We agree the suite of issues presented are appropriate to fully analyze in the EIS. The following topics will be the main focus of our review and engagement on the project.

- [bull] Water Resources-surface and groundwater;
- [bull] Waters of the U.S. and CWA [sect] 404 (b)(I) analysis??
- [bull] Geochemistry/characterization of ore, waste rock, and tailings;
- [bull] Geotechnical stability of the tailings facility;
- [bull] Predictive modeling of impacts to water, air, and aquatic resources (i.e., input parameters, uncertainty/sensitivity analyses, and modeled outputs);
- [bull] Air issues -particulate matter (fugitive dust), air emissions, hazardous air pollutants (mercury);
- [bull] Monitoring and contingency planning;
- [bull] Financial assurance to cover costs for reclamation, maintaining the site post-closure, and potential long-term water treatment;

[bull] Tribal and cultural resources not limited to National Historic Preservation Act analyses; and  
[bull] Compliance with the Endangered Species Act and Magnuson Stevens Fishery Conservation and Management Act.

Our attached scoping comments include additional details regarding these key issues and other subjects we believe should be included in the NEPA analysis. We appreciate the Forest Service engaging with the EPA early in the NEPA process and for coordinating with all of the cooperating agencies on this project. We look forward to our ongoing coordination and to providing input on important issues as the EIS is being developed. If you have any questions, please contact me at (208) 378-5757 or via email at [hood.lynne@epa.gov](mailto:hood.lynne@epa.gov).

see attached scoping comments