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Title: Chairman

Comments: Please find the Shoshone-Bannock Tribal letter responding to the Scoping Notice for the Stibnite

Mine.

If you have any questions, please email me.

Thank you.

The Shoshone-Bannock Tribes (Tribes) received the Stibnite Gold Project Scoping Notice from the U.S. Forest Service, Payette National Forest. Due to the invasive and destructive nature of the mining proposal, the Tribes have serious and extensive concerns regarding impacts to natural resources and to inherent and treaty-reserved rights. The Tribes submit these initial comments and await additional technical and formal consultation. In Article IV of the 1868 Fort Bridger Treaty, the Tribes reserved the right to hunt on the unoccupied lands of the United States. This right includes off-reservation hunting, gathering, ceremonial activities and performing traditional cultural practices. In addition, the Tribes work diligently to ensure the protection, preservation, and enhancement of those rights for future generations through Tribal fisheries programs.

As indicated by this mining proposal the mining frontier conflicts continue today, because the antiquated laws promulgated during the nineteenth century frontier days continue to hold power over public lands into the twenty-first century. The Shoshone and Bannock people have suffered the impacts of mining over the past 150 years. These impacts from mining include destruction of riverine resources, construction of trails, roads and railroads, environmental impacts, and economic impacts to tribal resources and interests.

This mine is located in the heart of the Shoshone and Bannock people's territory and is a critical and sensitive region because it is one of our key areas within our homelands. Our people have always lived and used the lands in the Salmon River area, for well over 10,000 years, as indicated by oral stories and archeological sites. The proposed mining activity, if approved, will negatively impact Tribal member use of the area and interfere with the Tribe's ability to exercise inherent and treaty-reserved rights on the unoccupied lands of the United States. The Tribes continue to practice a unique subsistence lifestyle that maintains Tribal traditions, improves Tribal member health, and utilizes aboriginal territories.

The Tribes disagree with the altruistic tone of the project proposal that this new mining will result in a voluntary clean-up of historic mining contamination. The impacts of the historic mining have been profound and long lasting. Anadromous fish have not been in the watershed since 1938, so therefore in order to create a sustainable population, they must restore viable habitat for all life stages of anadromous fisheries.

The Tribes have an expanded definition of cultural resources, through a holistic perspective, that encompasses plants, air, water, soil, animals and humans, and the relationship existing between them. Cultural resources located in this region are highly significant because they directly contribute to the Shoshone and Bannock unique cultural heritage. Simply stated, a cultural resource is any resource of cultural character, including social institutions, subsistence practices, beliefs, religious practices, sacred landscapes and objects, archaeological sites, natural resources and their use, view sheds, intellectual property, oral traditions, language, historical documents and structures, and secular and non-secular items. An expanded definition of these cultural resources is warranted in the Project Environmental Impact Statement (EIS) to ensure all resources are analyzed for impacts by project activities. Therefore, the Tribes have concerns that archeological and ethnographic resources have not been sufficiently inventoried or assessed to determine baseline conditions.

The planning criteria for the EIS and the project Record of Decision (ROD) must include the Fort Bridger Treaty (federal statute 15 Stat. 673) as an Applicable or Relevant and Appropriate Requirement (ARAR) and the

required provisions thereof must be carried throughout the environmental analyses and decisions.

The federal Indian trust responsibility between the U.S. Government and American Indian tribes is a legal obligation that requires federal agencies to protect tribal lands, assets, resources, and treaty rights on all federal lands. The Forest Service must fully protect Tribal rights and interests throughout the project by implementing management activities (surveys, inspections, and monitoring) that demonstrate a commitment to the federal trust responsibility. To make land management decisions for resource use on federal lands, the Forest Service must understand that Tribal traditional and contemporary uses and customs depend upon the health of natural resources. Additionally, identification and evaluation of historical and cultural locations and sites that may be impacted by this proposed project must be conducted in consultation between the Federal archaeological manager/consultant and the Tribal HeTO staff. Most often, Tribal cultural and historical knowledge is not included in archeological reports or historical accounts and should be. Without this information, direct, indirect, and cumulative impacts to resources cannot be protected.

Specific Comments:

Section 106 of the National Historic Preservation Act requires cultural resource surveys (including a culturally-sensitive plant survey) and determination of effect. This survey must be completed prior to the commencement of work in all project areas, including trench excavations, testing sites, off road travel corridors, drill pads and sumps, onsite facility locations, and areas of overland travel to get to the site. Additionally, the Tribes do not support the use of cultural resource predictive models as the basis of decision making without cultural resource reports for the project area. Any significant findings must be assessed by the State Historic Preservation Office and a representative of the Shoshone-Bannock Tribes. Heritage resources are protected as mandated by the 1966 National Historic Preservation Act, as amended (NHPA), 36 CFR 800, the American Indian Religious Freedom Act, the Archaeological Resource Protection Act, the National Environmental Policy Act (NEPA), and the Native American Graves Protection and Repatriation Act (NAGPRA). The Tribes request that a stop work order be implemented for inadvertent discoveries (specified in the scope of work) and that immediate notification is provided to the Tribes regarding such discoveries.

In accordance of federal law, the Tribes expect that the Stibnite Mine Reclamation plan shall specify full restoration of overland routes and timber-cleared areas associated with this project. This reclamation shall include the use of native plant species for revegetation, decommissioning temporary roads/travel routes, capping/abandoning core holes, boreholes, and wells, mitigating impacts from office and sanitation facilities, decommissioning all office and sanitation facilities and their associated impacts, and other transportation/use corridors.

In the proposal, the proponent wanting to utilize a French drain, but the Tribes did not support the use of such technology because they are consistently failing in mine projects. In this case, the proposal fails to address water quality assurance or water monitoring, both of which are necessary for French drains.

The Tribes request that existing native plant communities in the project area be restored after mining activity is completed. Traditional, subsistence, and medicinal plants and resources that Tribal members rely upon have often been unduly compromised due to the introduction of invasive and non-native plants.

The Tribes are also concerned with adverse impacts to the visual landscape as valued from a Tribal perspective. The Tribes request that a view shed analysis be done with full participation and input from the Tribal HeTO and Fisheries staff. The Tribes have a unique perspective on the cultural value of the visual landscape, as also considered from seasonal and daily key observation points. It appears from provided documentation that visual resources for this area have not been evaluated or classified. If they were, please indicate what type of Tribal input and participation was done. When addressing surface mining activities, it is imperative to include Tribal perspectives to ensure that accurate mitigation and reclamation are required of the mining company.

Water that is used for drilling/coring activities must be obtained from an approved potable water source to avoid introduction of contaminants to the surface and subsurface at the project area, in accordance with Idaho Department of Water Resources regulatory requirements. In addition, any lubricant or other drilling product to be used during drilling and well installation must be approved for use in potable wells to protect the groundwater resource as a potential drinking water supply.

The Tribes expect formal government-to-government consultation with the Forest Service and other federal

agencies. The U.S. Forest Service has a solemn trust responsibility to the Shoshone-Bannock Tribes to ensure all inherent and treaty rights are upheld, protected and maintained to the benefit of the Shoshone-Bannock Tribes. Please provide a written response to this letter as assurance that Tribal input is fully considered and how future government-to-government consultation will be initiated. If you have any further policy questions, please call Claude Broncho at 208-239-4563, email [cbroncho@sbtribes.com](mailto:cbroncho@sbtribes.com). If you have technical questions, please call Shannon Ansley at 208-236-1060, email [sansley@sbtribes.com](mailto:sansley@sbtribes.com).