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First name: Laura

Last name: Skaer

Organization:

Title:

Comments: RE: Comments on the Payette and Boise National Forests[rsquo] Draft Environmental Impact Statement for the Stibnite Gold Project

Dear Ms. Jackson:

#### Introduction

I appreciate the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) that the Payette and Boise National Forests (Forest Service) published in August 2020 for Midas Gold Idaho Inc.[rsquo]s (Midas Gold[rsquo]s) proposed Stibnite Gold Project (SGP) in Valley County, Idaho. As discussed in detail in these comments, the numerous environmental and economic benefits associated with the SGP support the Forest Service issuing its Record of Decision adopting Alternative 2 as the agency[rsquo]s preferred alternative and approving this project as soon as possible.

I have more than 42 years of experience in the natural resources industries as a policy and legal expert. I have a BSBA and JD from the University of Missouri. For 23 years I served as the Executive Director of the Northwest Mining Association/American Exploration & Mining Association (AEMA), retiring in March 2019. I continue to provide consulting services to the minerals industry as a policy and legal expert. During my tenure at AEMA, the Association established itself as the recognized national voice for exploration, the junior mining sector, and maintaining access to public lands.

I have visited and toured a large number of operating hardrock mines as well as abandoned mine sites. I have gained experience and expertise on a number of mining and surface management and environmental issues, including the National Environmental Policy Act (NEPA) process, the Forest Service[rsquo]s 36 CFR 228A surface management regulations for locatable minerals [ndash] the regulations governing the SGP, Clean Water Act (CWA) issues, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) issues, abandoned mine lands (AML), efforts to enact Good Samaritan legislation, financial assurance and rights under the General Mining Laws. Between 1999 and 2019, I was invited three times to provide testimony on behalf of the mining industry before congressional committees on AML issues and the need for Good Samaritan legislation to encourage and facilitate the remediation and reclamation of historic abandoned mine sites that are adversely impacting water quality and wildlife habitats in the West. I have helped draft several legislative proposals that would provide CWA and CERCLA liability relief for Good Samaritans (companies, communities, or conservation groups) that agree to cleanup historic abandoned mine sites.

I served as a Trustee of the Rocky Mountain Mineral Law Foundation for approximately 20 years and worked closely with the most respected mining attorneys in the country. I gained in-depth knowledge of the General Mining Laws of the United States, the proper interpretation of those laws, and their application to public lands open to mineral entry. I have served as an expert advisor on several court cases involving the rights granted by those laws and was the primary author of AEMA comments on two Bureau of Land Management (BLM) rulemakings that addressed the proper interpretation and application of the Mining Law of 1872. I continue to consult to the industry on Mining Law issues.

As AEMA[rsquo]s executive director, I developed special expertise with the NEPA process. I have reviewed and commented on countless NEPA documents for proposed mining projects and mining-related rulemakings over 23 years, including several amendments and revisions of the Forest Service[rsquo]s 36 CFR 228A Surface Management regulations. Based on this experience, I would like to commend the Forest Service for developing a

very thorough DEIS and making it readily available to the public on its project website. Based on my review of the Draft EIS, I believe it complies with the CEQ rules for preparing EIS documents.

While I will be providing some general comments on the NEPA process, the DEIS and Midas Gold's SGP Plan of Restoration and Operations (PRO), I intend to focus most of this comment letter on the areas of my special knowledge, experience and expertise.

Midas Gold's PRO provides the Forest Service and the public with a unique opportunity to capitalize upon the environmental restoration measures that are an integral part of the Company's plans to redevelop this legacy mine site where mining began more than 120 years ago. As explained below, a key feature of the PRO is the use of private-sector resources to remediate historical environmental contamination of the East Fork South Fork Salmon River (EFSFSR) from legacy mining activities, including those of the Federal government that produced antimony and tungsten to support the Nation's military in World War II and the Korean War. Without Midas Gold and this PRO, the Stibnite site would revert to a traditional AML continuing to adversely impact the EFSFSR while it awaits taxpayer funding, competing with hundreds of other sites across the West. My longstanding involvement with AML, CWA and CERCLA issues qualifies me as an expert to evaluate this important aspect of the project.

I want to congratulate the Forest Service for the excellent and easy to navigate virtual meeting room. The convenience of being able to [ldquo]attend[rldquo] this virtual meeting at any time from any place is a tremendous benefit to all stakeholders [ndash] especially out of state stakeholders like me. The virtual meeting room greatly assisted my review of the SGP and the DEIS and heightened my understanding of the project. The ability to visit the project website and the virtual meeting room at any time of day or night is much more convenient and effective compared to an in-person, crowded public meeting where the project information is only available for a limited amount of time.

#### Using Modern Mining and Environmental Protection Technologies, the PRO Will Remediate Legacy Environmental Contamination from an Abandoned Mine Site

As will be explained below, the Stibnite site is effectively an abandoned mine site or AML. It is one of hundreds, perhaps thousands of mine sites in the West that were discovered and mined using mining practices prior to the enactment of modern environmental laws and regulations and the requirement for mine operators to provide financial assurance to guarantee their sites will be properly reclaimed.

An important characteristic of this site is that during World Wars I and II and the Korean War, the federal government directed operations at Stibnite (as well as other mine sites), during the late 1930s to the early 1950s timeframe, to produce the metals and minerals necessary for the war efforts. The focus was on maximizing production and winning the war [ndash] not on using mining methods that were designed to protect the environment. The metals mined from these sites greatly benefited U.S. society by contributing to the country's victories in both wars. What we are left with today, however, are the environmental impacts created by unregulated wartime mining activities.

Modern mining practices began to be implemented in the mid-1960s at about the same time our Nation was developing an environmental consciousness and Congress was starting to enact environmental laws. It is important to understand that U.S. environmental statutory and regulatory frameworks are a recent development compared to the almost 200-year history of mining in the U.S. Furthermore, it is important to recognize that many of the laws and regulations governing hardrock mining are quite new [ndash] some are less than 45 years old and most are less than 35 years old. For example, the Forest Service's 36 CFR 228A Surface Management regulations were first adopted in 1974 and its Training Guide for Reclamation Bond Estimation was adopted in 2004. BLM's regulations for hardrock mining, the 43 CFR Subpart 3809 program, went into effect in 1981 and were substantially updated in 2001.

The body of federal and state environmental laws and regulations has had a significant and positive impact on the way mining is now conducted in the U.S. These laws and regulations, together with modern mining practices, have resulted in a substantial reduction in environmental impacts and dramatic improvements in mine site reclamation. As a result of these laws, regulations, and modern practices, the domestic hardrock mining industry of today is highly technological, well-regulated and environmentally and socially responsible. The creation of these laws has caused the mining industry to completely revise how mines are designed, built and operated, so that now reclamation is a fundamental and integral part of mine planning and operation so that today's mines are designed, built and operated for closure.

Also, because these laws and regulations require exploration and mining companies to provide financial assurance to guarantee reclamation at the end of the project, today's mines will not become tomorrow's AML sites. In the event a company goes bankrupt or defaults on its reclamation obligations, state and federal regulatory agencies will have bond monies available to reclaim the site. In a June 21, 2011 letter from Robert V. Abbey, then Director of the Bureau of Land Management (BLM), to Senator Lisa Murkowski, the BLM stated that 659 Plans of Operation have been approved since 1990 and that none of those sites have been placed on the CERCLA National Priorities List (NPL). The Forest Service responded that it had approved 2,685 mining plans of operation over the same time period and zero projects on National Forest System lands had been placed on the NPL. This is proof that the AML problem is a finite and historical problem, and not one that will grow in the future.

The U.S. Forest Service's 228A regulations require all exploration and mining activities above casual use to provide federal land managers with adequate financial assurance to ensure reclamation after completing the exploration or mining project. Because the underlying purpose of the financial assurance requirement is to ensure reclamation of the site in the event an operator goes bankrupt or fails to reclaim a site for some other reason, the amount of required financial assurance is based on what it would cost the U.S. Forest Service to reclaim the site using third-party contractors to do the work.

In addition to mandating reclamation and establishing financial assurance requirements, these comprehensive federal regulations also require compliance with all applicable state and federal environmental laws and regulations to protect the environment and to meet all applicable air quality, water quality and other environmental standards.

Furthermore, all western public land states, including Idaho, have enacted comprehensive regulatory programs that govern hardrock mining operations in their respective state. Like the federal financial assurance requirements, these state regulatory programs require the posting of adequate financial assurance or reclamation bonds in an amount equal to the cost that would be incurred by the government if it had to contract with a third party to remediate and reclaim the site.

#### **SUPERFUND IS NOT THE ANSWER:**

In my preparation to testify before Congress on AML and Good Samaritan issues, I researched several Superfund sites because some Members of Congress and anti-mining groups argue that Congress should fund the Superfund program and the Environmental Protection Agency (EPA) to address all Abandoned Mine Lands. In my opinion, this is a wrong-headed approach to mitigating and reclaiming historic abandoned mine lands that would cause years of delay and cost taxpayers hundreds of millions of dollars.

Superfund does not have a very good track record at mine sites because it was not designed to address natural processes that result in contaminated watersheds at AMLs. The historic mining communities of Aspen and Leadville in Colorado, Butte, Montana, Questa in New Mexico, Stibnite, Triumph and the Bunker Hill sites in Idaho all have experienced first-hand the failures of Superfund and the costly results of misguided policies and

tens of millions of dollars wasted on legal delays, repetitive studies and in some cases, litigation. Of the billions of dollars spent on Superfund efforts, only 12% of those moneys have actually gone into cleaning up the environment while the balance went to legal and consulting fees. In each of the Superfund sites cited above, the cleanup costs have exceeded reasonable estimates by a magnitude of three to five times.

#### A Superfund Cleanup Example - the Questa Mine

In the context of providing an example of what could happen at Stibnite if the Forest Service, the U.S. Army Corps of Engineers, the EPA, or Idaho regulatory agencies do not authorize Midas Gold's proposed mining and restoration project, I offer the following history of the slow progress of environmental cleanup work undertaken pursuant to the Superfund at Questa, an historic mining district located in Taos County in north central New Mexico. I am providing this discussion to demonstrate that Superfund cleanups are inefficient and take a long time. I believe the slow progress at Questa is typical of the pace of activities at most Superfund cleanup projects. Unlike Stibnite, Questa has a PRP with a balance sheet able to undertake the cleanup. Sites without a PRP, or one with insufficient capital, likely will take longer because taxpayer funding from Congress is sparse.

Questa is an NPL-listed site currently undergoing remediation pursuant to a Superfund environmental cleanup order. Questa was mined intermittently for molybdenum from 1920 to 2014. The historic mining operations contaminated soil, sediment, surface water, and groundwater, the same environmental resources impacted by the historic mining activities at Stibnite. The mine is currently called the Chevron Questa Mine. Chevron Mining Inc. permanently closed the site in 2014 and is a Potentially Responsible Party (PRP) that is paying for the ongoing Superfund remediation work pursuant to a 2017 Consent Decree settlement agreement between Chevron, EPA, and the State of New Mexico .

Table 1, which is from the EPA's Questa Superfund website, shows it took 32 years (from 1980 to 2012) for the Superfund environmental restoration work at Questa to begin and at least 40 years (from 1980 to 2020 or 2021) for the final remedial actions to commence. It's important to note that the table omits an estimated date for when the remedial actions will be completed and the site can be redeveloped.

I believe the glacial pace of Superfund cleanup activities at Questa likely portends what the future might be at Stibnite without Midas Gold's PRO - decades of unremediated environmental problems. This bleak forecast stands in marked contrast to the fast-track remediation work that will occur once the Forest Service and the other involved agencies authorize the PRO.

As shown on Figure 2.3-3 in the DEIS, the planned environmental cleanup work at Stibnite would start immediately. Reforestation of burned areas, revegetation, construction of the fish passageway tunnel around the western margin of the Yellow Pine Pit, riparian and stream habitat enhancements, wetlands mitigation, and remediation of Blowout Creek would all be accomplished during the mine construction phase (Years 1 - 3). Environmental restoration activities would continue throughout the active mining phase (Years 4 - 15) and during mine closure (Years 15 - 20). Post-closure monitoring would continue to verify that the environmental restoration measures are functioning properly.

Comparing the planned 20-year schedule for completing the restoration activities at Stibnite versus the 32-year chronology shown in Table 1 for starting the Questa Mine cleanup vividly illustrates why Midas Gold's proposal to immediately start cleaning up Stibnite will produce a vastly superior outcome. Rather than waiting decades for a Superfund environmental cleanup to start, the environment and the public can begin benefitting right away from the expedited cleanup schedule in the PRO.

Table 1  
Questa Mine Site Remediation Milestones

Milestone Date(s)

Initial Assessment Completed 05/01/1980  
Proposed to the National Priorities List 05/11/2000  
Remedial Investigation Started 09/27/2001  
Remedy Selected 12/20/2010  
Re-proposed to the National Priorities List 03/10/2011  
Finalized on the National Priorities List 09/16/2011  
Remedial Action Started 07/09/2012  
Most Recent Five-Year Review 06/28/2017  
Final Remedial Action Started Estimated Dec 2020 - Feb 2021  
Construction Completed Not Yet Achieved  
Deleted From National Priorities List Not Yet Achieved  
Site Ready for Reuse and Development Not Yet Achieved

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In looking at the Questa remediation milestones in Table 1, it's important to keep in mind that Chevron is a Potentially Responsible Party (PRP) that is funding the Questa cleanup activities. Due to a 2012 settlement agreement, there are no PRPs left at Stibnite that could be compelled under the Superfund to pay to clean up the site. And Midas Gold's publicly available balance sheet makes it clear that, were it to be declared a PRP, be able to fund cleanup at Stibnite. Consequently, it might take more than 40 years for taxpayer funding to become available and environmental cleanup to start.

Thus, there are two very different options for remediating the Stibnite site:

1. Federal and state regulatory agencies can authorize Midas Gold to implement the PRO and use private-sector capital to clean-up the site in the near future; or
2. The site can be placed on the NPL and taxpayers can someday pay to fix this site. Meanwhile, the site will continue to discharge high amounts of arsenic and other contaminants from pre-regulation mining activities.

As the Questa Superfund history demonstrates, the problem with the second option is that Superfund cleanups usually involve years of inaction during which little or no progress is made and environmental problems persist and potentially worsen.

Furthermore, taxpayer resources for environmental cleanups are quite limited. There are 1,327 NPL sites across the country with environmental problems where remediation funds are needed. If and when funds become available, NPL sites that are creating human health issues typically receive a higher priority ranking for funding. Although the water quality problems at Stibnite pose a human health risk, the remote location of the site may give it a lower priority ranking. Therefore, a taxpayer-funded Superfund cleanup in the foreseeable future at Stibnite is probably unlikely.

Another consideration is the enormous cost involved in restoring Stibnite. Midas Gold is proposing to invest \$1 billion to restore and redevelop Stibnite. This is an extraordinary offer to use private-sector resources to fix a public problem. There is little likelihood that state or federal governments will be in a position to appropriate the required funds in taxpayer monies to clean up the Stibnite mine site.

The taxpayer-funded partial cleanup activities that occurred at Stibnite in the late 1990s and early 2000s, while partially addressing some immediate issues, left the site in its current problematic condition. It is important to note that these removal actions were short-term measures designed to stabilize the site. They were not more costly and comprehensive remedial actions to implement permanent remedies. The partial remediation achieved by the removal actions reflect the limited taxpayer funding that was available to the Forest Service at the time, and

demonstrates that underfunded, piecemeal measures will not be adequate to take care of this site. The level of investment and holistic approach Midas Gold is proposing to restore the site stands in sharp contrast to the smaller scale taxpayer-funded incomplete and partially successful actions taken 20 years ago.

It is thus obvious that Midas Gold's PRO presents the Forest Service and taxpayers with a compelling opportunity to capitalize upon a private-sector plan to remediate this site in the near future. For this reason alone, the Forest Service should authorize the SGP as quickly as possible so the environmental restoration work can begin.

Alternative 5 in the DEIS, the No Action Alternative, likely dooms Stibnite to an eventual NPL listing and waiting for the Superfund to restore the site. Preserving the degraded status quo at Stibnite would relegate this site to many years of neglect during which there will be ongoing contamination of the area's streams and harm to aquatic life and human health, fish will continue to be blocked from migrating upstream to their native spawning grounds, and the public will be exposed to safety hazards at the unstable legacy mining features. This clearly undesirable future for Stibnite can be avoided by authorizing Midas Gold's PRO. Common sense, the public good, and environmental objectives dictate that the Forest Service categorically reject the No Action Alternative.

The DEIS does not adequately describe the undesirable on-the-ground and policy implications of the No Action Alternative. I suggest the Final EIS disclose the environmental consequences associated with having to wait for taxpayer funding to become available to cleanup Stibnite. This discussion should also explain the environmental problems that would persist into the future under the No Action Alternative.

#### The History of the Stibnite Mining District and its Subsequent Abandonment by the Federal Government

According to U.S. Bureau of Mines records, the Stibnite Mining District has produced 4.3 million tons of ore and reprocessed 74,570 tons of tailings between 1939 and 1952. In addition, the District produced 59.3 million pounds of antimony and 844,779 units of tungsten. These last two metals are classified as strategic materials and the Stibnite's production of both was critical to the United States during World War II. After the war, the U.S. Munitions Board credited the Stibnite Mining District's tungsten production with [shortening] the war by at least a year and saving the lives of hundreds of thousands of our men.

Through the ensuing years, there were attempts at further development at Stibnite, and some were encouraged by the Federal government. In late 1951, the Defense Minerals Exploration Administration (DMEA) was established to continue the mineral exploration programs that were already in place under the authority of the Defense Production Act (DPA). Under the DMEA program, antimony mines were eligible for assistance amounting to 75 percent of project costs, and Stibnite operators such as the Bradley Mining Company were awarded Federal contracts to explore for antimony and tungsten, adding to the wartime impacts at Stibnite. Once this activity ceased, the majority of the site remained dormant for many years.

After several limited attempts at site cleanup under CERCLA, the Stibnite Mine has effectively been deserted by the Federal government with poor ground and surface water quality generated from legacy contamination left behind.

The United States' pervasive involvement in mining at Stibnite, from encouraging exploration, to infrastructure assistance, to funding the expansion of an ore processing facility, cements the United States as a party that bears the primary responsibility for the present adverse conditions at Stibnite. Through the Bradley Mining Company consent decree in 2012 (see footnote 4 on page 6), the Federal government deftly avoided a judicial outcome of a recent Tenth Circuit Court of Appeals case, *Chevron Mining v. United States*, 863 F.3d 1261 (10th Cir. 2017). There, the Tenth Circuit found that when the Federal government actively encouraged mining activities on its lands through the DPA, it was a strong indicator that the United States was a potentially

responsible party (PRP) under CERCLA.

The proposed action under this NEPA review, Alternative 2, is a well-designed and innovative approach to hardrock mining and environmental remediation of historic mine waste. Midas Gold's Plan of Restoration and Operations (PRO) will forever change the environmental conditions on the Site for the better. The SGP will champion attracting private capital to serve the important economic needs of job creation, mineral (including critical mineral) production and environmental restoration, something the federal government is unable to do.

Midas Gold's PRO is specifically designed with numerous project features and activities that will remediate many of the environmental problems created by pre-regulation mining activities at Stibnite, some of which started more than 100 years ago. As previously stated, many of the legacy mine features that are creating environmental problems date back to World War II and the Korean War when the federal government explored Stibnite for antimony and tungsten and helped fund mining operations to supply these metals for the war efforts. These historic, pre-regulation exploration and mining activities created mine waste piles that currently leach arsenic, antimony and other contaminants into the watershed, adversely affecting both surface water and groundwater resources. These environmental problems at Stibnite have gone unabated for decades, harming the public and the ecosystem [ndash] especially aquatic wildlife.

It is worth repeating that the mining practices used in the 1890s, the 1940s, and the 1950s, and even those associated with the more recent mining activities at Stibnite in the 1970s [ndash] early 1990s timeframe, are no longer allowed today. Current federal and state environmental protection laws and regulations require mines to be designed, built, operated, closed, reclaimed, and maintained to protect the environment. These regulations mandate the use of proven environmental protection technologies like impermeable liners, waste management systems, and water treatment facilities.

Redeveloping and restoring Stibnite is very expensive. In fact, Midas Gold is proposing to invest roughly \$1 billion of private-sector money in a new and highly regulated mining operation to provide the cash flow to undertake the restoration work and provide a return on its investment. The public health and environmental benefits resulting from the PRO are obvious and very substantial. No other companies or governmental agencies have indicated they plan to, or have the resources to, step up to the plate and remediate and reclaim this site. Given that in 2012 the EPA entered into a settlement agreement pursuant to CERCLA with the potentially responsible parties, including federal agencies involved with the historical mining activities at the site, it is likely the site will end up on the CERCLA NPL if Midas Gold's PRO is not approved.

Midas Gold's PRO is the only identified way to improve the environmental conditions at Stibnite in the foreseeable future, thus, I recommend the Forest Service complete the remainder of the NEPA process as soon as possible by preparing the Final EIS and issuing the Record of Decision (ROD). Doing so will allow the public to capitalize upon this unique opportunity to solve the environmental problems at Stibnite in the near future without the need for taxpayer funding. Without Midas Gold's PRO, there is a significant likelihood the Stibnite Mine site will return to its previous AML status with no identifiable party to remediate the legacy environmental problems. Without the restoration work in the PRO, the environmental problems at Stibnite will most likely continue unabated for many decades.

The CEQ has designated the SGP as a High Priority Infrastructure Project and created a permitting dashboard for this project. In a letter dated July 27, 2020, the Chair of CEQ informed United States Department of Agriculture Secretary Perdue that [ldquo][based] on its review, CEQ has determined that the Stibnite Gold Project qualifies as a high priority infrastructure project in accordance with E.O. 13766.[rdquo] The Secretary was directed to provide this NEPA review in a timely manner and consistent with One Federal Decision, an Administration policy designed to closely coordinate and provide better accountability for permitting, authorizations and approvals among Federal agencies

In testimony before Congress in 2018, the CEO of Midas Gold Idaho, Inc. testified that :

[E]ach quarter that we fail to meet our deadline requires additional resources and costs us \$1.5 million in permitting costs payable to the [United States] Forest Service and their contractor and \$2.6 million for our

personnel and consultants to address the quarterly permitting requirements.

[hellip]

[E]qually robust permitting processes in first world countries like Canada and Australia are regularly completed in two to three years and at considerably lower cost. There is no reason that we in the United States cannot have an equally thorough, effective and efficient process that is completed in a timely manner.

As of the close of this comment period, the schedule for NEPA review has slipped ten times over the past several years.

At a minimum, the Forest Services[rsquo] evaluation of the SGP should proceed on a schedule that adheres to the CEQ[rsquo]s dashboard, which shows an estimated completion date of September 1, 2021 for the environmental review and permitting for this officially-named important infrastructure project. The Forest Service should make every effort to comply with this estimate.

The restoration measures outlined in the PRO are specifically designed to address the conditions at the Stibnite site and, as such, are not a template for other sites. However, the remediation concepts and principles that Midas Gold has proposed for the SGP may have applicability at other AML sites. One such measure [ndash] the proposal to remove, reprocess, and re-purpose 10.5 million tons of legacy mine wastes [ndash] deserves special focus.

Midas Gold[rsquo]s proposal to remove, reprocess, and re-purpose this legacy mine waste pile could be broadly termed [ldquo]remining[rdquo]. Alternatives 1, 2, and 4 in the PRO entail reprocessing approximately 3 million tons of old tailings and using the remaining 7.5 million tons of spent leached ore to construct the tailings storage facility (TSF) embankment. This material will be encapsulated with development rock within the interior of the embankment, isolating it from the environment so it will no longer be a source of contaminated leachate. Although the planned removal and repurposing of this relatively minor volume of mine wastes is a small component of the overall SGP mine plan, it will yield outsized and important environmental benefits because it will remove and eliminate the contamination coming from this waste pile that has degraded the watershed for decades.

The central role this small remining element of the SGP will play in remediating water quality in the East Fork of the South Fork of the Salmon River (EFSFSR) is an important lesson from the SGP that has widespread applicability to other sites where legacy mine wastes are leaching contaminants and polluting surface water and groundwater resources. Based on my twenty-three year involvement with AML policy issues and legislative debates about Good Samaritan AML legislation, I have witnessed first-hand how mining opponents mischaracterize remining and reprocessing as a [ldquo]mining industry effort to profit from extracting metals from legacy mine wastes without having to go through the mine permitting process.[rdquo]

It is clear that reprocessing 3 million tons of legacy tailings in order to recover residual metals is a tiny portion of the 100 million tons of ore that would be processed over the life of the mine. It is obvious that the metals recovered from the old tailings are not the economic driver for this project. Rather, mining and processing the 100 million tons of newly mined ore define the project economics that make it economically feasible to incorporate reprocessing the old tailings and moving and using the old spent leached ore to construct the TSF. The EFSFSR watershed and the public are the winners as the primary source of the current contamination is removed.

An important issue can be learned from Midas Gold[rsquo]s PRO regarding mining opponents[rsquo] mischaracterization and unsubstantiated accusations about remining. As the SGP shows, reprocessing legacy mine wastes is an effective way to remove contaminant sources if reprocessing can be integrated into a much larger mine plan to mine and process new ore. The small quantity of metals that will be recovered from reprocessing the 3 million tons of old tailings could never support or justify the \$1 billion investment Midas Gold is proposing to make to redevelop and restore Stibnite. But reprocessing this small volume of material will have an enormous and enduring environmental benefit on EFSFSR watershed.



Unfortunately, many mining opponents have used opposition to remining as an argument against Good Samaritan legislative proposals that include remining as an allowable action to clean up an AML site. Their stubborn position that remining is a profit-making endeavor that should not be subject to Good Samaritan liability relief has obstructed constructive, fact-based dialogue and prevented enactment of Good Samaritan legislation that is needed to help resolve the country's AML problem. The SGP demonstrates that remining is an environmentally essential but economically trivial component of a much bigger mining and restoration effort.

It is important to note that Midas Gold is not seeking Good Samaritan liability relief for the PRO and is proposing to comply with the water quality and other environmental standards applicable to all other mines. The Company's plans to clean up a legacy mine site without requesting future liability relief or lower environmental standards demonstrates unparalleled leadership and environmental stewardship.

There would be tremendous public benefits if the forward-focused commitment in the PRO to meet applicable water quality standards during and after operation of the SGP could represent a new approach to solving the AML problem that could become the foundation for future regulatory and policy dialogues applicable to cleaning up other legacy sites. Finally, Midas Gold's commitment to comply with relevant environmental standards is another important reason for the Forest Service to approve the SGP as soon as possible.

#### Responsible Mining and Development of Critical Minerals Are an Affirmative Priority of the Multi-Use Mission of National Forest System Lands

Shortly before the SGP was designated a High Priority Project, the Secretary of Agriculture issued a directive to the Chief of the Forest Service that she [ldquo]focus resources on activities that support the productive use of these lands to deliver goods and services efficiently and effectively to meet the needs of our citizens .[rdquo] Among other directives, the Forest Service was mandated to [ldquo]streamline processes and identify new opportunities to increase America's energy dominance and reduce reliance on foreign countries for critical minerals,[rdquo] and [ldquo]streamline policy to ensure environmental reviews focus on analysis that is required by law and regulation.[rdquo]

Once permitted, the Stibnite Gold Project will be the only domestic source of mined antimony. Antimony is used as a hardening alloy for lead, especially storage batteries and cable sheaths. It's also used in bearing metal, type metal, solder, collapsible tubes and foil, sheet and pipes and semiconductor technology. Antimony also is used as a flame retardant, in fireworks and in antimony salts, which are used in the rubber, chemical and textile industries, as well as medicine and glassmaking.

Antimony was recently designated as one of thirty-five [ldquo]Critical Minerals[rdquo] by the Department of the Interior . Under White House Executive Order (EO) 13817 (December 20, 2017), the designation denotes that the mineral: 1) is essential to the economic and national security of the United States; 2) possesses a supply chain of which is vulnerable to disruption; and 3) serves an essential function in the manufacturing of a product, the absence of which would have significant consequences for the economy or national security.

On September 30, 2020, President Trump issued an EO entitled, Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries, that has important implications for the SGP. This EO characterizes the country's dependence on the People's Republic of China for multiple critical minerals as [ldquo]particularly concerning.[rdquo] Antimony is an example of a critical mineral that the U.S. mainly obtains from China. According to the USGS's 2020 Mineral Commodity Summaries , the U.S. imported 84 percent of the antimony we used in 2019. Over half of this imported antimony came from China. Recycling satisfied roughly 14 percent of the country's antimony consumption.

In the EO, President Trump states:

[hellip]our Nation's undue reliance on critical minerals[hellip]from foreign adversaries constitutes an unusual and extraordinary threat[hellip]to the national security, foreign policy, and economy of the United States.

I hereby declare a national emergency to deal with that threat.[rdquo]

To address this national emergency the President issued the following directives:

The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Secretary of the Army (acting through the Assistant Secretary of the Army for Civil Works), and the heads of all other relevant agencies shall, as appropriate and consistent with applicable law, use all available authorities to accelerate the issuance of permits and the completion of projects in connection with expanding and protecting the domestic supply chain for minerals. (EO, Sec. 5.)

The Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall examine all available authorities of their respective agencies and identify any such authorities that could be used to accelerate and encourage the development and reuse of historic coal waste areas, material on historic mining sites, and abandoned mining sites for the recovery of critical minerals. (EO, Sec. 6.).

The SGP is a significant and important opportunity to develop a domestic antimony mine, which would reduce the country[rsquo]s reliance on China for this critical mineral. Accelerated review and approval of the SGP is now required pursuant to the President[rsquo]s new Critical Minerals EO. Moreover, Midas Gold[rsquo]s proposal to reprocess and repurpose the 10.5 million tons of legacy tailings and spent leached ore in the Meadow Creek valley is exactly the type of activity that the EO singles out by directing federal agencies to [ldquo]accelerate and encourage the development and reuse of[hellip]material on historic mine sites.[rdquo]

In light of this new EO, the Forest Service and the U.S. Army Corps of Engineers in its role as a cooperating federal agency, must do everything possible to conclude the NEPA process as quickly as possible and authorize the SGP. At a minimum, the agencies should strive to meet the September 1, 2021 permitting completion deadline specified in CEQ[rsquo]s dashboard for the SGP.

Mining Law Rights and Forest Service[rsquo]s 36 CFR 228A Surface Management Regulations

As mentioned in the Introduction, one area of my legal expertise is the General Mining Laws of the U.S., and in particular, the 1872 Mining Law. I am very familiar with the U.S. Mining Law of 1872 (30 U.S.C. 21a [ndash] 54) and the rights under this law which include the right to access public lands open to mineral entry; and the right to use and occupy mining claims and public lands open to mineral entry for mineral exploration and development purposes.

It[rsquo]s important to note that these rights apply to all lands that are subject to operation of the Mining Law.

They are not defined by or restricted to lands where mining claims have been located. This point is reinforced in the August 17, 2020 Department of the Interior Solicitor[rsquo]s Opinion M-37057 Authorization of Reasonably Incident Mining Uses on Lands Open to Operation of the Mining Law of 1872, which states [ldquo]A mining claim is not a condition precedent to conducting or obtaining authorization to conduct reasonably incident mining uses on open lands.[rdquo]

Mining law rights are not unfettered rights because mineral explorationists and miners must comply with surface management regulations for locatable minerals that establish a number of environmental protection mandates.

On National Forest System (NFS) lands, like those in the Payette and Boise National Forests where the proposed SGP is located, the Forest Service[rsquo]s 36 CFR Part 228 Subpart A regulations (the 228A regulations) mandate mineral operations to minimize adverse environmental impacts where feasible (36 CFR 228.8). These regulations establish environmental protection criteria for a wide array of environmental media (e.g., surface water and groundwater quality and air quality) and environmental resources (e.g., wildlife and fisheries). The 228A regulations also mandate reclamation once mineral activities are completed (36 CFR 228.8(g)).

As explicitly stated in the definition of operations at 36 CFR 228.3, the 228A regulations apply to all NFS lands open to mineral location regardless of whether there are mining claims on the land:

All functions, work, and activities in connection with prospecting, exploration, development, mining or processing of mineral resources and all uses reasonably incident thereto, including roads and other means of access on lands subject to the regulations in this part, regardless of whether said operations take place on or off mining claims. (emphasis added)

In addition to the environmental protection mandates in the 228A regulations, the Forest Service must also determine that proposed mineral activities comply with the [“reasonably incident to mining”] mandate in 30 U.S.C. [sect] 612(a). The Forest Service’s Surface Use Determination Handbook defines the reasonably incident statutory standard in 30 U.S.C. [sect] 612(a) as meaning:

[“]reasonable and necessary uses of National Forest System lands for purposes that reflect sound practices that avoid or minimize adverse environmental impacts and are required for the various stages of operations. For a use to be reasonably incident, the type and level of use must be appropriate to the stage of operations and extent of information on the mineral resource.

In proposing the PRO, Midas Gold is pursuing its rights under the 1872 Mining Law (30 U.S.C. Sections 21a et seq) to enter, occupy and use public lands open to mineral entry for mineral exploration and development. Based on my knowledge and expertise of the 1872 Mining Law and court cases interpreting it, the proposed use and occupancy of NFS lands in the Payette and Boise National Forests and the ancillary uses proposed in the PRO for the waste rock and tailings storage facilities, buildings (mine office, maintenance, warehouse, and other buildings), fences, etc., are obviously reasonably incident to the proposed mining and mineral processing operation.

In evaluating Midas Gold’s proposed use of National Forest System lands for mining at the SGP, the Forest Service’s regulations and policies require verification that the project will meet the Section 228.8 environmental protection standard to [“]minimize adverse environmental impacts.[”] which applies to all proposed project activities and facilities, regardless of whether the activities or facilities will be located on or off of mining claims or mill sites. Secondly, the Forest Service must also determine that the ancillary facilities in the PRO, whether on or off of claims or mill sites, are reasonably incident to the proposed exploration or mining operation.

Forest Service Manual 2800 requires the agency to eliminate or prevent occupancy and activities that are not reasonably incident to and required for mineral operations.

If the ancillary facilities are proposed on lands with mining claims, the discovery status of the claims in question is irrelevant. Mining Law rights to use and occupy lands for mineral purposes extend to all lands open to mineral entry under the 1872 Mining Law. As the above-noted new Solicitor’s Opinion states [“]A mining claim is not a condition precedent to conducting or obtaining authorization to conduct reasonably incident mining uses on open lands.[”] Because presence of a mining claim does not define rights under the Mining Law to use the land for mineral purposes, it follows that the discovery status of a claim similarly has no bearing on one’s Mining Law rights.

Thus, the Forest Service does not need to consider whether the claims or lands have a discovery of a valuable mineral deposit. The discovery status of a mining claim on lands open to location do not define the project proponent’s rights to use mining claims and lands for mineral activities and facilities that minimize adverse environmental impacts and that are reasonably incident to a proposed mineral project. These rights apply to all mining claims and lands regardless of whether they contain a mineral deposit. Based on my knowledge of, and expertise with, the 1872 Mining Law, the ancillary uses included in the PRO are clearly reasonably incident to the proposed mining and mineral processing operation.

I anticipate that anti-mining interests will raise ongoing litigation over Rosemont Copper Company's proposed use of mining claims for its mine waste disposal facilities in the Coronado National Forest in Arizona. They will likely use the term "valid claim" to mean a claim with a discovery of a valuable mineral deposit and will assert that only valid claims have Mining Law rights to use NFS lands for mineral purposes including ancillary uses. The Payette and Boise National Forests should not be distracted by these assertions because the District Court's ruling in this litigation is not consistent with long-established Mining Law principles and case law.

#### Inapplicability of the 2008 Idaho Roadless Rule

As NWMA/AEMA's executive director, I was the primary author of the association's comments on the Clinton Administration's 2001 Roadless Rule and the Bush administration's 2005 Special Areas; State Petitions for Inventoried Roadless Area Management. The 2005 Rule is the foundation for the 2008 Idaho Roadless Rule. In those comments, I pointed out that the Forest Service lacked statutory authority to prevent access for locatable mineral exploration and development.

The USFS Organic Act (the Organic Administration Act of 1897) does not provide the authority to deny access of qualified persons to enter public lands open to the 1872 Mining Law for exploration and development of minerals. Unless the lands have been legally withdrawn, the lands remain open to mineral entry. In the pertinent section, the Act provides that:

nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating and developing the mineral resources thereof. Such persons must comply with the rules and regulations covering such national forests.

16 U.S.C. [sect] 478.

The 1872 Mining Law is, in effect, an invitation by the government for qualified persons to enter the public lands. This invitation was reiterated and expanded in 16 U.S.C. [sect] 478 to clarify that it applies to National Forest System lands open to the Mining Law for the purpose of exploration and development of the mineral resources. There is no requirement in the Mining Law that a mining claim must be located prior to have a Mining Law right.

The miner's right to enter all lands open to mineral entry was further defined by Congress in 1955 when it enacted the Surface Resources and Multiple Use Act of 1955. The 1955 Act made two significant changes to the Mining Law. First, it prohibited the claim owner from using unpatented mining claims for purposes not reasonably related to mining. Secondly, it allowed third parties to use the surface of unpatented mining claims so long as their use did not interfere with the claim owner's mining uses. Despite these significant changes, the 1955 Act provides that the right of the United States to manage the surface resources "shall not endanger or materially interfere with" mining operations. 30 U.S.C. [sect]612. Managing an area open to mineral entry as roadless threatens to eliminate the possibility of any road construction or repair, materially interfering with a miner's statutory right to maintain and develop reasonable access necessary for current or future mining operations.

United States v. Weiss, 642 F. 2d 296 (9th Cir. 1981), is the dispositive case on the USFS's authority under its Organic Act to regulate mining activities on National Forest Lands. The court upheld USFS regulations (36 CFR 228) relating to mining activities conducted under the 1872 Mining Law on National Forest lands in the face of challenges that the agency had insufficient statutory authority under its Organic Act to promulgate surface use management regulations. In the pertinent sections, the Organic Act provides:

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests and he may make such rules and regulations and establish such

service as will ensure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forest thereon from destruction.

While the court upheld the Secretary of Agriculture's authority to regulate mining operations on national forest land, the court read 16 U.S.C. [sect] 478 to mean that mining may not be prohibited or [ldquo]so unreasonably circumscribed as to amount to a prohibition.[rdquo] Weiss, 642 F.2d at 299. Thus, the Forest Service may not use roadless management pursuant to the proposed rule to deny access pursuant to the 1872 Mining Law to lands otherwise open to mineral entry

Pursuant to the Multiple-Use and Sustained-Yield Act of 1960 (MUSYA) 16 U.S.C. [sect]528-531, and the National Forest Management Act (NFMA) 16 U.S.C. [sect][sect]1601-1614, the USFS is required to develop resource management plans that comport with the principle of multiple-use. These plans must strike a balance among a variety of resource uses and values. Though the USFS is permitted under the MUSYA to prefer some uses over others based on the relative resource values in particular areas, MUSYA does not authorize the USFS to prohibit mining activities in the absence of formal withdrawal.

MUSYA[rsquo]s declaration of policy states that nothing in the act shall be construed as affecting [ldquo]the use or administration of the mineral resources of national forest lands...[rdquo] Neither MUSYA nor NFMA override 16 U.S.C. [sect]478 of the USFS Organic Act[rsquo]s express acknowledgment of the [ldquo]statutory rights[rdquo] of mining claimants, conferred by the 1872 Mining Law to conduct mining operations on public lands. The federal court took time to remind the USFS of this obligation in *Foundation for North American Wild Sheep v. United States*, 681 F.2d 1172, 1182 n 48, (9th Cir. 1982). Here, the court noted that USFS authority under MUSYA [ldquo]mandates that access to preexisting mining claims be granted the owners of those claims.[rdquo]

Thus, it is clear that the 2008 Idaho Roadless Rule does not apply to locatable mineral activities on National Forest Lands open to mineral entry. I do not understand why the Forest Service has included minimizing road construction and use in areas subject to the 2008 Idaho Roadless Rule (2008 IRR) as one of the criteria used to develop and analyze the configuration of the project roads in the various project alternatives. I believe it is inappropriate for the Forest Service to evaluate or consider this criterion in selecting the Agency[rsquo]s Preferred Alternative because the 2008 IRR is not applicable to roads used and needed to support mineral activities on lands open to mineral entry under the 1872. Mining Law. The 2008 IRR is clear on this point.

In its October 16, 2008 Final Rule for 36 CFR Part 294 Special Areas; Roadless Area Conservation; Applicability to the National Forests in Idaho, Subpart C [ndash] Idaho Roadless Area Management . The Forest Service clarified that the 2008 IRR does not apply to minerals activities pursuant to the U.S. Mining Law:

The final rule is clear that it does not regulate mining activities conducted pursuant to the General Mining Law of 1872. The Agency has separate requirements relating to road construction and maintenance for locatable minerals at 36 CFR 228.8(f) that adequately provide for these protections[hellip]Rights to reasonable access continue.

The rule at 36 CFR [sect] 294.25(b) states: [ldquo]Nothing in this subpart shall affect mining activities conducted pursuant to the General Mining Law of 1872.[rdquo] Because the 2008 IRR explicitly exempts mineral activities on lands open to location [ndash] like the National Forest System lands in the SGP area [ndash] the Forest Service cannot consider minimizing impacts to roadless areas designated in the 2008 IRR in its analysis of project alternatives and must not use impacts to roadless areas as a criterion in selecting the Agency[rsquo]s Preferred Alternative.

Additionally, the provisions for road construction, maintenance and closure enumerated in 36 CFR [sect] 228.8(f) provide comprehensive environmental protection performance standards. As stated in the Forest Service[rsquo]s

final rule these regulatory requirements govern road use, construction, and maintenance for mineral projects located in areas that the 2008 IRR identifies as roadless areas. Therefore, the restrictions and prohibitions that apply to other activities are not necessary to protect the environment at mineral projects in 2008 IRR-designated roadless areas.

#### Financial Assurance

As accurately described on Page 2-75 in the Draft EIS, Midas Gold will have to provide sufficient financial assurance to guarantee the agency would have the necessary funds to reclaim the site, including the costs of any necessary long-term water management:

As part of the approval of a plan of operations for the SGP, the PNF Forest Supervisor would require Midas Gold to post financial assurance to ensure that NFS lands and resources involved with the mining operation are reclaimed in accordance with the approved plan of operations and reclamation requirements (36 CFR 228.8 and 228.13). This financial assurance would provide adequate funding to allow the Forest Service to complete reclamation and post closure operation, including continuation of any post closure active or passive water treatment, maintenance activities, and necessary monitoring for as long as required to return the site to a stable and acceptable condition. The amount of financial assurance would be determined by the Forest Service and would [ldquo]address all Forest Service costs that would be incurred in taking over operations because of operator default. (Forest Service 2004).

I have considerable experience with the federal and state financial assurance requirements for the hardrock mining industry that are applicable to projects like SGP. As AEMA[rsquo]s executive director, I filed comments on the Forest Service[rsquo]s 2004 Training Guide for Reclamation Bond Estimation. I also participated in EPA[rsquo]s CERCLA 108(b) rulemaking in 2016 as the leading Small Entity Representative (SER) in the Small Business Advocacy Review (SBAR) Panel that the EPA had to convene to comply with the Small Business Regulatory Enforcement Fairness Act (SBREFA) amendments to the Regulatory Flexibility Act (RFA). I attended both SER meetings convened by the SBAR Panel and submitted extensive comments on behalf of AEMA on two separate occasions during the SBAR process and worked closely with the Small Business Administration[rsquo]s Office of Advocacy pointing out numerous problems with EPA[rsquo]s initial proposal. In addition, I was the primary author of the comments AEMA filed on EPA[rsquo]s proposed rule. It is with this background that I offer the following discussion of financial assurance.

During the SBAR Panel process, the Forest Service provided a detailed PowerPoint presentation on its financial assurance requirements which demonstrated that these requirements are an enforceable regulatory mechanism that effectively address the 13 response cost categories in EPA[rsquo]s proposed rule. This PowerPoint demonstrated how the Forest Service determines the amount of required financial assurance and, as an example, showed, in detail, how the financial assurance requirement for the Greens Creek Mine in Alaska was calculated with the Standardized Reclamation Cost Estimator (SRCE) software tool. As part of this presentation, the Forest Service characterized the advantages of using the SRCE because of the [ldquo]transparency of unit costs, reproducibility of calculations, and capability of being easily updated.[rdquo] I understand Midas Gold, the Forest Service, and the Idaho Department of Lands (IDL) are planning to use the SRCE to calculate how much financial assurance Midas Gold will have to provide for the SGP before the Company can commence mining.

During the rulemaking process, the Forest Service[rsquo]s Deputy Chief for the National Forest System provided detailed comments to EPA in response to EPA[rsquo]s proposed CERCLA 108(b) rule . The following excerpts from the Forest Service[rsquo]s comments to EPA amplify the discussion on Page 2-75 of the Draft EIS:

The Forest Service regulations at 36 CFR [sect]228 already direct mineral operators to minimize effects on the environment, thus preventing or minimizing the likelihood for the need of a CERCLA response action, and requires FA (Financial Assurance) to assure not only compliance with operating procedures set forth in the

approved plan, but all reasonably foreseeable costs of compliance with applicable environmental laws and standards.

The Forest Service identifies appropriate engineering controls for closure before they become necessary in the approved plan of operations, and collects adequate funds via the reclamation bond to ensure that these controls are in place and that the site is appropriately reclaimed in the event that the owner/operator is unable or unwilling to do so.

The site administration during operations, and reclamation bonds and long term funds held by the Forest Service ensures that these engineering controls are put in place during mining activity, and properly secured during closure even if the operator declares bankruptcy or is otherwise unable to perform proper closure activities to ensure environmental protection.

Additionally, Forest Service regulations at (CFR [sect] 228.4(e)) allow the agency to require a modification to the Plan of Operations and reclamation plan and to allow for bond adjustments to address unforeseen environmental effects. In this way, risks are administratively minimized while a mine is in operation

The operating plan approved by the Forest Service is designed to insure compliance with all environmental laws and prevent releases, and the bond required by the Forest Service is sufficient to insure compliance with that plan. The Forest Service bond calculations include allowances for reasonably foreseeable contingencies.

EPA concluded the CERCLA 108(b) rulemaking in February 2018 when it published the final rule in the Federal Register , concluding:

EPA has determined that modern regulation of hardrock mining facilities[hellip]reduces the risk of federally financed response actions to a low level such that no additional financial responsibility requirements for this industry are appropriate[hellip]the hardrock mining industry does not present a level of risk of taxpayer funded response actions that warrant imposition of [additional EPA] financial responsibility requirements for this sector.

Modern mine permits require the operator to perform site monitoring to verify the mine[rsquo]s environmental protection equipment is functioning properly, the operation is complying with all of its permits, and the environment is being protected. The modern environmental regulations that govern the PRO, the environmental protection technologies included in the PRO, the monitoring systems that will be in place at the site, and the financial assurance that will be provided to regulators to cover their costs to reclaim the site will produce a modern mining operation that will protect the environment. These regulatory and financial assurance requirements and the use of environmental protection technologies stands in marked contrast to the historic, unregulated mining operations at Stibnite that used mine waste disposal practices that are unlawful today and that were not reclaimed.

Based on my experience, I am confident the amount of necessary financial assurance the Forest Service and IDL will determine for the SGP will be comprehensive, will take into account all likely contingencies, and will include a long-term financial mechanism like a trust fund if the agencies identify the need for long-term financial assurance. The financial assurance amount will be based on the agencies[rsquo] costs to implement, manage, and complete reclamation and to perform long-term monitoring, inspection, and maintenance.

I have one final comment about financial assurance and the NEPA process. I have seen cases where EPA and members of the public have commented that information about the dollar amount of the required financial assurance should be provided during the NEPA process with respect to each alternative. This request reflects a lack of understanding of the NEPA process and how federal agencies use the NEPA analysis as a decision-making tool to identify the Agency[rsquo]s Preferred Alternative. It is premature to calculate a reclamation cost estimate prior to selecting the Agency[rsquo]s Preferred Alternative. The financial assurance cost calculation

comes later in the process after the Agency has identified its Preferred Alternative and issued its Record of Decision approving the project.

## Conclusions

Midas Gold submitted the PRO in September 2016. Public scoping for the DEIS took place in mid-2017. It has taken the Forest Service more than three years to develop this DEIS which presents a detailed and comprehensive analysis of the project and its impacts on the human and natural environment. It is abundantly clear that the SGP proposal, the affected environment in the project area, and the environmental consequences have been carefully studied.

Midas Gold's proposed SGP is a visionary plan integrating environmental restoration of a site degraded by over 100 years of historic, pre-regulation mining activities with a modern, state-of-the-art mining project that will protect the environment during and after operations. The environmental and socioeconomic benefits of this project are many, significant, and long lasting. Both Midas Gold and the Forest Service should be applauded for the work and coordination that both entities have devoted to date to this project.

The environmental problems that need to be solved, the nation's need for domestic sources of critical minerals, the high-priority infrastructure project designation, and the area's need for the hundreds of direct and indirect jobs the SGP will bring to central Idaho all create an necessity for the Forest Service to approve this project as soon as possible. The extensive environmental baseline and project impact studies and the analysis in the DEIS provide the Forest Service with the information needed to make a well-informed decision selecting Alternative 2 as the Agency's Preferred Alternative and issuing the Record of Decision. There is no need or justification to extend the 75-day public comment beyond October 28, 2020 because the Forest Service's excellent project website and virtual meeting make it easy for the public to review and understand the SGP proposal and the DEIS.

I urge the Forest Service to complete the permitting process quickly so the economic and environmental benefits of this project can be realized as soon as possible. I believe compliance with the President's new EO on Critical Minerals and the CEQ's permitting dashboard for this project direct the Forest Service to complete the permitting process on an expedited basis.

Thank you for the opportunity to submit these comments on the Draft EIS for the SGP. Please do not hesitate to contact me if you have any questions about my comments.

Yours truly,

Laura Skaer