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First name: Marde

Last name: Mensinger

Organization:

Title:

Comments: Thank you for the opportunity to provide comments on the Stibnite Gold Project Draft Environmental Impact Statement (DEIS). The following comments were developed in coordination with the Idaho Department of Environmental Quality, the Idaho Department of Lands, the Idaho Department of Water Resources, the Idaho Department of Parks and Recreation, the Idaho Department of Fish and Game, the Idaho State Historic Preservation Office, and the Idaho Governor's Office of Species Conservation.

#### General DEIS Comments

The State of Idaho has previously voiced strong support for the United States Forest Service (USFS) identifying a Preferred Alternative in the DEIS for the Stibnite Gold Project. Without identifying a preferred alternative, state agencies, stakeholders, and citizens may spend unnecessary time and resources providing feedback on an issue that is not relevant to the Agency's decision making.

#### Executive Summary

The Executive Summary [ldquo]shall stress the major conclusions, areas of dispute raised by the agency and the public, and the issues to be resolved (including the choice among alternatives).[rdquo]1 Legacy contamination is a major controversy that is not addressed in the summary. Legacy contamination and efforts at remediation should be explained in the executive summary to give a fuller context for the project.

In the Executive Summary, on page ES-5 and ES-6, section ES 3.2 USACE Purpose and Need, states, [ldquo]The USACE has determined that the overall purpose of the SGP is to mine gold, silver, and antimony from ore deposits associated with the mining claims and rights of Midas Gold in Valley County, Idaho.[rdquo] This sentence is repeated twice in a row from one page to the next. Please delete the repeated sentence.

The very last line on page ES-6 has a stray [lsquo]w[rsquo] after USACE. Please delete "w" after USACE in last line.

In Table 4-1 on page ES-23, the last paragraph in Alternative 1 under stream flow appears to address ground water issues and is repeated in the next row that addresses groundwater. It may need to be deleted in the Stream flow row.

In Table 4-1 on page ES-24 and throughout the DEIS, please clarify that the volumes listed for existing and proposed water rights is per year. The Idaho Department of Water Resources generally uses acre-feet per annum (AFA) to describe water right volume limitations.

For clarity it would be helpful if the [ldquo]additional[rdquo] water rights needed are cross-referenced with the existing water rights. Or, clarify if the totals include the existing water rights. Also, please consider explaining the [ldquo]transfer[rdquo] process that would likely be required to utilize the existing water rights.

In Table 4-1, on page ES-24, Alternative 1 states: [ldquo]During drought conditions, temporary seasonal withdrawal of up to 5.63 cfs from groundwater.[rdquo] Water rights in this context are not issued for drought conditions or for temporary seasonal withdrawals. Therefore the 5.63 cfs would need to be included in the 2.39 cfs groundwater right. As currently written, it is unclear that a water right (from groundwater) for 8.02 cfs (2.39+5.63) would need to be secured.

In Table 4-1, on page ES-24, Alternative 1 states: [ldquo]An additional water right for 3.47 cfs diversion of surface would be needed.[rdquo] As written, this sentence is missing the word [ldquo]water[rdquo]. An additional water right for 3.47 cfs diversion of surface water would be needed. Also, it is unclear whether this surface water is diverted to storage and then used for ore processing. It is unclear what exactly the source is.

In Table 4-1, on page ES-24, Alternatives 2, 3, 4, and 5 state: [ldquo]No changes in water rights availability in the SGP area.[rdquo] Water right availability and potential impacts extend downstream of the [ldquo]SGP area[rdquo]. If Midas Gold secures additional water rights there will be changes to water right availability, specifically as it relates to the Federal and State Wild and Scenic/Minimum Stream Flow water rights.

In Table 4-1, on page ES-24, Alternative 1 states: [ldquo]An additional 0.34 cfs and 10 acre-feet of groundwater rights needed for potable water supply.[rdquo] Based on previous communication 0.24 cfs of additional groundwater rights would be needed and 0.10 cfs would be transferred from existing groundwater right 77-7141.

## Chapter 1

Please delete the unnecessary [lsquo]a[rsquo] on page 1-1 near start of second line before Stibnite Gold Project Plan.

## Chapter 2

In Table 2.2-1 on page 2-6, the tailings storage facility component lists liner systems for each of the four alternatives. However, only Alternative 4 describes a liner system in compliance with Idaho Rules for Ore Processing by Cyanidation (Idaho Administrative Procedure Act [IDAPA] 58.01.13). Any alternative would need to be in compliance with Idaho rules, and the table should reflect that in other alternatives. Other liner systems will still need to follow Idaho law.

Under Table 2.2-1 in Note 1 on page 2-10, a formatting error causing the word "entered" to float between lines.

Concerning the Burntlog Route Access Road in section 2.3.4.3, Alternative 2 does not fully address how the upgraded and extended Burntlog Road might affect wildlife and associated recreation by providing ready access into areas previously with only limited public access. Analyzing a range of access management options for the Burntlog Route under Alternative 2 is key for estimating potential residual effects on local wildlife resources and wildlife-related recreation compared to existing conditions. Considering a range of administrative access management options for Burntlog Road could help identify measures and tradeoffs to reduce project effects on wildlife resources and recreation.

Regarding the Burntlog Route Borrow Sources discussed on page 2-21, the information required by IDAPA 20.03.02.069 is needed on the eight Burnt Log borrow sources before they can be evaluated as part of the reclamation plan.

Regarding section 2.3.5.4, paragraph 3 on page 2-27, a Waste Rock Management Plan is needed for a complete reclamation plan.

Regarding Section 2.3.5.7, on page 2-34, the final paragraph in the section says of the rulemaking for IDAPA 50.01.13, Rules for Ore Processing by Cyanidation: [ldquo]No schedule has been determined for completion of the rule.[rdquo] The final rule will be reviewed by the Idaho Board of Environmental Quality and, if approved, will be considered for adoption by the 2021 Idaho Legislature.

For Figure 2.3-5 on page 2-35, it is unclear if non-compaction of the downstream half of the dam provides sufficient stability for the dam, especially prior to Year 06. Due to the liner on the upstream face, any movement

of the dam could tear the liner and cause seepage into the dam. The buttress provided by the Hanger Flats Waste Rock dump is not present until Year 06.

Regarding the TSF Underdrain section on page 2-37, the reclamation plan is incomplete without a detailed design of the underdrains. As noted in Section 4.8.2.1.2.1, flows up to 1,600 gpm are predicted for the TSF underdrains (Figure 4.8-30).

On page 2-44 in the Blowout Creek section, a space is needed between "channel" and "that" on second line. Similarly, in the second paragraph, a space is needed between "location" and "to" on second line.

On page 2-46, the Contact Water section states: [ldquo]Any contact water used in the ore processing or for dust control would require water rights permitting through the Idaho Department of Water Resources (IDWR) prior to use.[rdquo] Please consider introducing the mitigation requirements as they relate to storage of water that is from a tributary to Federal Wild and Scenic Rivers and provide a more detailed analysis in Chapter 3.

On page 2-48, the last paragraph of the Pit Dewatering section states: [ldquo]The combined groundwater and mine drainage water could be used for dust control within the pits or transferred to a contact water pond.[rdquo] Please clarify that regardless of the source, a water right will be required.

On page 2-57, in the Communication Towers and Repeater Sites section, the cell phone tower site upslope of the Hanger Flats pit should be used to minimize access road construction and maintenance. A road to this site already exists. The summit east of Blowout Creek is currently not disturbed and would require two miles of additional access road.

Section 2.3.7.3 on page 2-70 describes preventing access to underground workings. Details and diagrams are needed for the reclamation plan to describe how the adit will be closed.

Section 2.3.7.14 on page 2-75 discusses Growth Medium Placement. Given the volumes of soils excavated from the areas to be disturbed, the woody materials to be removed from the disturbed areas, the fine grained glacial materials to be moved for the Hanger Flats pit, and the proposed composting project, the projected deficit of 34,000 yards of growth media could be met by blending some of these materials. The operator could also elect to do some of the activities described on page 4.5-22 to supplement the growth media. This should be required by the USFS, incorporated into the reclamation plan, and be covered by financial assurance.

For Post Closure Water Treatment detailed in section 2.3.7.15 on page 2-75, the need to treat water in perpetuity must be further described in the post closure section of a reclamation plan in sufficient detail for financial assurance to be calculated.

Section 2.4.6.4 on page 2-114 covers Meadow Creek. The dewatering should be discontinued after the partial backfill is completed. This will allow groundwater to refill the pit more quickly.

Regarding section 2.5.1 on page 2-119, the placement of the site access road in the Blowout Creek valley, also called the East Fork of Meadow Creek, should be located in an upland area to better protect water quality and reduce wetland impacts in the East Fork Meadow Creek valley and slope areas.

Regarding section 2.5.1 on page 2-120, placement of the TSF in the EFSFSR valley introduces a risk of landslides, which may impact long term stability of the TSF at this location.

Regarding section 2.5.1 on page 2-120, the SODA and Bradley tailings are a continuing source of water quality issues in this mining district.

Regarding section 2.5.1 on page 2-120, the placement of the worker housing facility should be located in an upland area to better protect water quality and reduce wetland impacts in the East Fork Meadow Creek valley and slope areas, unlike in the Blowout Creek valley.

Regarding Table 2.6-1 on page 2-130, use of the Yellow Pine Route for all mine access may severely impact traffic to the town of Yellow Pine, and the likelihood of spills into the East Fork or Johnson Creek would greatly increase, as potential impacts to water quality and fisheries from dust, storm water, and spills is much greater than the Burntlog route.

Section 2.6.5.1 on page 2-135 discusses the tailings storage facility and liner specifications. A liner system must comply with the standards in IDAPA 50.01.13.

### Chapter 3

Regarding Figure 3.2-4 on page 3.2-18, the March 2020 earthquake location is incorrect. It was near the 1944 M6.1 event northwest of Stanley, not near the 1983 M6.9 Borah Peak event.

Regarding the Access Route on page 3.2-31 in Table 3.2-1, Burntlog route has fewer landslides and avalanche paths than the Johnson Creek/Stibnite Road route suggesting that the Burntlog route is safer and more reliable for emergency access and reclamation.

Section 3.2.3.8.1.4 on page 3.2-35 discusses Pit Slope Design. Bedrock studies of the pit walls are very robust, but up to 200 feet of alluvium will be exposed at the top of the Hanger Flats pit wall. It is unclear if this been analyzed for geotechnical stability during excavation, reclamation, and post-closure.

On page 3.8-4, section 3.8.2.1 states: [ldquo]Although the USACE does not specifically regulate water rights in Idaho, SGP activities that could alter surface water quantity may be regulated and require a USACE authorization.[rdquo] From this sentence, it is unclear who regulates water rights in Idaho. It is also unclear as to which type of authorization is necessary.

For the third paragraph on page 3.8-20, section 3.8.3.2.2, please consider removing the sentence: "This result is better than reported for most calibrated groundwater models." This isn't a comparison study to other groundwater models and there are many additional metrics (e.g. timing and magnitude of fluxes, performance under differing flow regimes, spatial distribution of error) that are not assessed in the presentation of this singular calibration statistic for groundwater levels.

Page 3.8-29, section 3.8.3.3 states: [ldquo]No federal, state, or other private water rights exist within the analysis area. However, IDWR and the USFS hold minimum flow water rights downstream of [hellip][rdquo]. Please change IDWR to Idaho Water Resource Board (IWRB) and verify this in the rest of the DEIS.

Water right evaluations extend past a project area. Diversions in a project area could injure downstream water rights. In this case, specifically the Wild and Scenic and minimum stream flow rights need to be discussed.

The last line in Table 3.8-8 on page 3.8-32 states the Total Diversion rate, but it adds confusion as it does not include all the rates listed in the table. Please revise or delete this line.

The sentence below Table 3.8-8 on page 3.8-32 states: [ldquo]IDWR also holds a minimum streamflow water right downstream (approximately 26.4 miles from the mine site) on the South Fork of the Salmon River (77-14174).[rdquo] Please change IDWR to Idaho Water Resource Board (IWRB) and verify this in the rest of the DEIS.

The paragraph on page 3.8-33 states: [ldquo]The total diversion rate is 13,600 cfs.[rdquo] As written, this sentence is incorrect. The partial decree specifies: [ldquo]When the stream flow at the Shoup gage is greater than or equal to 13,600 cfs (as adjusted by upstream junior depletions, including depletions from water rights enjoying the subordination provided in this right), the United States is entitled to all flows, up to 28,400 cfs.[rdquo] Please provide a more comprehensive overview on how Wild and Scenic water right accounting relates to the proposed water right needs of this project.

Regarding the paragraph on page 3.8-33, the discussion of how the Federal Wild and Scenic water rights play into obtaining new water rights for this project is difficult to follow and doesn[rsquo]t provide much information to the reader. The state recommends a discussion of how Midas Gold can apply for water right permits for this project and would benefit from the subordination for new uses junior to 9/1/2003, but they must not injure flow Federal Wild and Scenic flow entitlements between the Shoup Gage and the end of the W&S reach. Based on average flow conditions over a twenty-year period at the Shoup Gage, the instream flows entitled to the USA were, on average, provided for at all times, with the exception of June 1st through August 15th. Therefore, if Midas Gold is able to secure water right permits they should be prepared to cease depletions of water uses under their permit, when instream flows entitled to the USA (per Shoup Gage measurements) will not be met or if ceasing depletions is not feasible provide for mitigation upstream of the Shoup Gage.

Please also note also that the partial decree for the two Federal Wild and Scenic Water Rights states that [ldquo]These subordinated amounts do not include storage, other than incidental storage, which is defined as storage of not more than a 24 hour water supply for any beneficial use.[rdquo] Please include a discussion of how this provision will affect water right permitting for the contact water storage ponds described in the DEIS.

The mitigation plan is alluded to in one sentence on page 4.8-46: [ldquo]The applications would include a mitigation plan to protect existing instream water rights on the South Fork Salmon River and the Salmon River.[rdquo] Please help the reader understand what mitigation measures might be needed.

The third paragraph in section 3.13.3.2.2 on page 3.13-25 states: [ldquo]NIDGS did occur historically in the Warm Lake area but limited surveys have been conducted.[rdquo] After a review of historical data with Idaho Department of Fish and Game wildlife biologists, there are no historical documentation of NIDGS near Warm Lake. There could have possibly been misinterpretation of historical data of observations near Cascade. This should be removed from the DEIS.

Section 3.13.3.2.2 Baseline page 3.13-25 states: [ldquo]IDFG monitoring data from 2017 documented 308 individuals at 29 colony sites on PNF lands[rdquo]. It is unclear how this was calculated. For example, IDFG monitoring data does not provide population estimates at the colony level. For clarity, please explain how these estimates were derived and provide citations if applicable.

While contingencies (e.g. site checks; formal surveys as needed) are identified for off-site facilities, no contingencies for utilities were identified. It is unclear if additional surveys for NIDGS are planned prior to ground-disturbing activities associated with upgrading the existing transmission line east of Lake Cascade. Site checks of modeled NIDGS habitat should occur prior to ground-disturbing activities associated with upgrading the transmission line east of Lake Cascade noting the following:

- [bull] The occurrence of modeled suitability NIDGS habitat within the transmission corridor extending south from Lake Fork, east of Lake Cascade;

- [bull] Some portions of the surveys conducted by Midas Gold may have been outside the optimum survey season; and

- [bull] Clearance surveys of NIDGS are typically valid for a maximum of 5 years.

The DEIS should better portray the importance of the project area to wolverines. Contemporary wolverine occurrence and residency in the project area is well documented.<sup>2</sup> Wolverine occurrence in the analysis area is an important part of the larger Salmon River Mountains subpopulation from north of McCall connecting with the Sawtooth Mountains. Central Idaho continues to be the core of wolverine occurrence in Idaho<sup>3</sup>. Maintaining population connectivity across this region is critical to this species's persistence and avoiding the need for Endangered Species Act protections. A male wolverine known from the project area was linked genetically to individuals from both the McCall and Stanley areas through possible parent-offspring relationships<sup>4</sup>.

The DEIS recognizes that increased human presence in the project area could lead to additional recreational activity, and recent science has shown that wolverines can be affected by motorized and non-motorized over-snow recreation. Heinemeyer et al. (2019) developed a model to predict indirect wolverine habitat loss from over-snow recreation, which ranged from <10% to >70% within wolverine home ranges.<sup>5</sup> However, the DEIS did not fully examine potential recreation effects on wolverines under DEIS Alternative 2 from the upgraded and extended Burntlog Road, which would provide year-round public access for the life of the project.

It is key to highlight the importance of the project area to wolverines by putting the occurrences in Central Idaho in perspective to the entire state and synthesizing the data presented in Table 3.13-4 to underline the consistency of occurrence, the detection of known individuals across years, and, as a

Section 3.13.3.2.3.2 on page 3.13-27 states [ldquo]Six years of trapping efforts (2010-2015) in the McCall study area confirmed 10 individual wolverines: six females (some of which were denning) and four males.[rdquo] Please check and confirm those numbers. For example, IDFG data from that study show 14 individuals (8 females, 6 males) in the McCall study area. The discrepancy could stem from the fact not all animals were radio collared or their collars were not retrieved to contribute data to the analysis.

Table 3.13-4 on page 3.13-28 includes wolverines detected by Midas Gold's camera survey (Garcia and Associates 2013 and 2014) and lists all of those animals as unknown ID. At least one of these individuals was confirmed through DNA analysis to be a known individual.<sup>7</sup>

Section 3.13.2.4 on page 3.13-14 states: [ldquo]On December 22, 2017 the Department of the Interior, Office of the Solicitor issued Opinion M- 37050 concluding that the MBTA does not prohibit incidental take, and permanently withdraws and replaces Opinion M-37041 from January 2017, which concluded that the MBTA did prohibit incidental taking and killing.[rdquo] Please note that the December 2017 interpretation was vacated in court on August 11, 2020.<sup>8</sup>

In Section 3.19.3.1 on page 3.19-3, the DEIS addresses Recreation. The DEIS indicates that IDPR does the grooming of the snowmobile trails in the area. This is incorrect. The Idaho Department of Parks and Recreation does not groom the OSV Trails, but instead provides the funding to groom the OSV trails. The actual grooming is done by Valley County. Please correct this to [ldquo]Valley County grooms many miles of OSV Trails in the area.[rdquo]

Section 3.19.3.1 also covers summer recreation. The DEIS states [ldquo]The analysis area includes over 170 miles of trails open to motorized use. Over 60 percent of the trails in the analysis area that are open to motorized use are open to motorcycles, and over 35 percent are open to vehicles 50 inches or less in width. Motorized recreation opportunities are available throughout the analysis area, including on trails in inventoried roadless areas, which are predominantly in PNF MA13 and BNF MAs 19, 20, and 21.[rdquo] There are trails designated for non-motorized use as well within the project area. This link will take you to the Idaho Trails App which shows those trail opportunities <https://arcg.is/1K9uCr0>.

The bulk of non-motorized trail opportunities are located around Warm Lake and extensive non-motorized trail

opportunities are also located in the Frank Church River of No Return Wilderness. It would be useful if this section contained a table and a map showing the trails uses by type within the project area. The Idaho Department of Parks and Recreation has developed a map package showing these opportunities.<sup>9</sup>

#### Chapter 4

Section 4.2.2.1.4.3 on page 4.2-9 discusses Pit Slope Design. The pit slope excavated into the Meadow Creek alluvium must be certified as stable by an engineer before the reclamation plan is considered complete.

On page 4.2-11, section 4.2.2.1.6 states: [ldquo]In addition, spent heap leach ore from historical mining operations may be reused for road construction purposes.[rdquo] Heap leach material must first be tested to determine if it will release potential contaminants in excess of water quality standards. Additionally, the borrow sources are small mines and the geotechnical stability of them must be confirmed by an engineer for the reclamation plan.

Section 4.8.2.1.3.1 on page 4.8-46 states [ldquo][hellip] withdrawal of the dull 5.63 cfs would be expected to be uncommon[hellip][rdquo] . Please change [ldquo]dull[rdquo] to [ldquo]full[rdquo].

This section also states: [ldquo]Midas Gold plans to submit an application to divert 3.47 cfs[hellip][rdquo]. Diversion to storage and diversion from storage are both components of the water right. Please further explain that the 3.47 cfs is considered diversion from storage. For more information, please visit <https://idwr.idaho.gov/files/water-rights/storage-scenarios.pdf>.

The second full paragraph on page 4.8-47 states: [ldquo]Instream rights on the South Fork Salmon River are subordinate to 20.6 cfs; maximum diversions proposed by Midas Gold would be 9.1 cfs.[rdquo] This sentence could benefit from clarification. IWRB minimum stream flow water rights 77-14190 and 77-14174 are subordinated to 20.6 cfs of junior non-DCMI uses along the South Fork Salmon River, subordinated to 8.2 cfs of junior, non-DCMI uses along the East Fork South Fork Salmon River.

Regarding the entire Water Rights section on pages 4.8-46 and 4.8-47, it may be helpful to address the Federal Wild and Scenic Water Rights and the State (IWRB) Minimum Stream Flow rights in two distinct subsections. It may also be helpful to include another table of proposed and existing water rights and explain how they fit within the constraints and subordination amounts of the Federal Wild and Scenic and IWRB Minimum Stream Flow rights.

The fourth paragraph on page 4.8-47 states: [ldquo]Minimum instream flow in the Salmon River water rights is 1,200 cfs, over 60 miles downstream from the SGP area. IDWR would be responsible for determining the impacts of the water right application.[rdquo] The lowest flow entitlement (to the USA) of the Federal Wild and Scenic water Rights is 1,200 cfs only applies to a 15-day window (Sep. 1-15). The flow entitlements vary for every 15-day period throughout the year. It may be helpful to provide a table listing the flow entitlements for the entire calendar year.

Regarding the last paragraph in section 4.8.8.2.1.1 on page 4.8-73, please provide reference to support the necessary number of hydraulically tested wells or boreholes that is "within the standard practice for characterizing similar-sized projects subject to the EIS process," or remove the statement.

Section 4.8.8.2.1.2 on page 4.8-74 discusses Limitations of the Completed Hydraulic Testing. It is unclear if other conceptual models were developed that specifically incorporated and tested a low K alluvium hypothesis. Please provide explicit reference within the Brown and Caldwell 2018a report (or additional support to the statement) or delete the sentence.

Regarding the last paragraph on page 4.8-77, please consider deleting the phrase "an undertaking of this magnitude is not realistic." The development of multiple conceptual and/or numerical models is often part of the environmental modeling process.

Paragraph two on page 4.9-4 discusses mass balance concentrations. Chapter 3 identifies antimony, arsenic, and mercury as three primary constituents of interest. Please report the percentage of each of these constituents that were predicted to be within 20 percent comparison threshold.

Regarding the last paragraph of section 4.9.1.1 on page 4.9-5, some of the primary constituents of concern (e.g. arsenic, antimony) required adjustment in the SWWC due to poor predictions through the mass balance calculations. It remains unclear if the need for these adjustments was required because of diffuse loading, unquantified loading, or seasonal influences that are present but not accounted for in the averaging of concentrations. These correction factors represent up to 80% of the concentration at some downgradient nodes. Even greater uncertainty surrounds predicted water quality since the calibration lumped the uncertainty into a singular parameter that is removed from the physical processes described above. While manually adjusting these estimates will provide calibration for existing conditions, making predictions of future water quality under different future conditions carries a large degree of uncertainty that is unquantified and divorced from a specific physical process. Water quality predictions for constituents and nodes where this type of calibration was used should be described in the text and denoted in tables.

For Figure 4.9-2 on page 4.9-29, please explain the mechanism or physical condition that resulted in predicted arsenic at these locations to be lower at year 50 than year 75 post-closure. Although the magnitude is rather insignificant (perhaps due to rounding errors), the output is not intuitive and deserves further explanation and discussion to further support the suitability of the model for predicting arsenic concentrations (see also Figures 4.9-4, 4.9-10, 4.9-11).

Regarding the last paragraph on page 4.9-60, and Figure 4.9-7 on page 4.9-61, Figure 4.9-7 shows the water table below the TSF and the Hanger Flats Waste Rock Dump. Section 3.9.3.3.2.2 on page 3.9-59 stated that "the alluvial aquifer water table elevation was high enough to contact the bottom of the historical Bradley tailings deposit throughout most of the Meadow Creek valley." With the Hanger Flats waste rock dump in the footprint of the Bradley tailings, it is unclear how the operator plans to lower the existing ground water table under the entire waste rock dump during and after operations.

Regarding the discussion of Rapid Infiltration Basins on pages 4.9-67 and 4.9-68, it is understood that these discharges will go through either a Point of Compliance application for groundwater, or an IPDES application for surface water with DEQ. The reclamation plan must reflect the final disposition of the RIB water so financial assurance can be determined.

Paragraph two on page 4.9-136 references IDAPA 58.01.11. IDAPA 58.01.11.401 states that if a request for a Point(s) of Compliance (POC) is not made, then ground water quality standards both within and beyond the mining area must be met. Based on the water quality analysis presented (e.g. exceedances of arsenic in ground water below Hanger Flats DSFR), compliance with the Idaho Ground Water Quality Rule will likely require applying for a POC. POC requirements are briefly discussed in Section 3.9.2.2, but the implications of ground water impacts and necessary permitting are not specifically addressed and should be.

The first paragraph of section 4.9.8 on page 4.9-143 discusses a twenty percent threshold. Chapter 3 identifies antimony, arsenic, and mercury as three primary constituents of interest. Please report the percentage of each of these constituents that were predicted to be within 20 percent comparison threshold.

For the second paragraph on page 4.9-143, please consider deleting the sentence, "This is standard model calibration practice" or provide references where this has been done. Specifically, non-physically based standard



concentration corrections applied at nodes to make predictions about future conditions under differing conditions.

For section 4.9.8, the concept of calibration in these paragraphs (adjusting the result to the observed concentration) is much different than calibration discussed previously with groundwater elevations, where aquifer parameters are adjusted to match the observed values. Adding or subtracting unknown errors to achieve mass balance is not unique or unprecedented, but the additional uncertainty here is related to using a bulk correction factor that encompasses many sources of uncertainty. Because this is not physically based, it is difficult to assess the uncertainty in the model, particularly applied to future water quality predictions under specific conditions (e.g. atmospheric, flow regime). This may not be quantifiable but repetition of "75% constituents within 20% RPD" does little to address the uncertainty associated with predicting concentrations of specific constituents of interest (e.g. antimony, arsenic, mercury). Qualitatively, we could expect less uncertainty in constituents at sites where the SWWC correction was 25% of observed versus 75%. A thorough discussion of these mass balance calibrations is needed within this document.

Paragraph four on page 4.13-7 states: [ldquo]Construction and operation of the Burntlog Route would open new corridors for predators and recreational activities. This could increase the predation on snowshoe hares by other predators (e.g., coyotes) or become a source of mortality for prey species (e.g., snowshoe hare, squirrels, etc.), which could affect food availability for transient Canada lynx.[rdquo] The Forest Service should provide a peer reviewed literature citation for the increased risk of prey exposure.

The first sentence of page 4.13-8 states: [ldquo]Upon closure, the new segments of the Burntlog Route would be decommissioned, recontoured, and reclaimed, which would remove impacts associated with traffic or human access in the long-term.[rdquo] If the Burntlog Route is opened and the new segments are utilized for the duration of the project, roughly 15 years, those impacts caused by increased over-snow recreation in potential wolverine denning habitat, increased predator access, and other associated wildlife impacts will already be realized on the landscape by the time the [lsquo]new[rsquo] segments are decommissioned. After 15-20+ years of use before the decommissioning process starts, reclaiming the road would not entirely [lsquo]remove the impacts associated with traffic or human access in the long term[rsquo]. The DEIS is also not clear on what the definitions are of [lsquo]long term[rsquo] and [lsquo]short term[rsquo] impacts are, considering there are proposed Forest Plan amendments to change the length of the time allowed for temporary, short term, and long term aquatic, terrestrial, and watershed resource degradations.

Page 4.13-12, section 4.13.2.1.1.3 states: [ldquo]Direct impacts would be highest (and similar) for Alternatives 1 and 3, while Alternative 2 would have the lowest? direct impacts.[rdquo] The question mark after the word [lsquo]lowest[rsquo] should be removed once this statement is verified, or the word [lsquo]lowest[rsquo] should be changed to reflect a more accurate statement.

The first sentence on page 4.13-17 states: [ldquo]Direct impacts on wolverines are likely along the access roads due to habitat loss by access road construction, year-round vehicle traffic causing disturbance and potential avoidance behavior, over-snow recreation in the winter and new construction and plowing of the Burntlog Route through potential suitable habitat.[rdquo] More in-depth analysis of the potential impacts to wolverine based on increased over snow recreation traffic should be included. While there is reference to the increased traffic: Traffic levels on Stibnite Road and Johnson Creek Road (both part of the Yellow Pine Route) would increase by about 174 percent and 119 percent, respectively, during operations. (DEIS, Chapter 4.13, pg. 4.13-8), there is no connection made to the potential impacts to the three resident wolverines that persist in the area.

In section 4.19.2, on page 4.19-4, the DEIS states: [ldquo]The analysis area includes over 170 miles of trails open to motorized use.[rdquo] There are also non-motorized trails in the area, and the trails open to motorized use are also used by non-motorized visitors. The element of context should be on the impact of motorized and non-motorized trails within the project area.

## Chapter 5

Chapter 5, Section 5.1.1.2 discusses Endangered Species Act Section 7 Consultation. The final sentence states: [ldquo]A Biological Assessment will be prepared to evaluate potential impacts to terrestrial and aquatic endangered or threatened species.[rdquo] It would be useful to indicate when in the NEPA process the Biological Assessment will be released and specify which agency will be writing the Biological Assessment. This section should also mention that state agencies participated in the Section 7 informal consultation meetings.

## Chapter 6

On page 6-4 under the list of preparers in Table 6.1-2, [ldquo]Marde Mesinger[rdquo] is listed as the OEMR point of contact; however, the name is spelled incorrectly. Please correct the last name to [ldquo]Mensingher[rdquo].

On page 6-9 in section 6.2 List of Document Recipients and Those Notified, the Idaho Governor[rsquo]s Office of Species Conservation is not listed under the state agencies. Please include the Idaho Governor[rsquo]s Office of Species Conservation in this list, as they have provided data and insight throughout the DEIS development.

## Appendix A - Forest Plan Consistency Review and Amendments

The State goes to great lengths to help plan and organize participation in Federal Land Management, such as the Forest Plan revision process. Changing mitigation and environmental condition standards, such as striking out TSRC standards, drastically changing temporary and long-term temporal guidelines, striking out visual resource standards, and suspending the fish passage stream diversion requirements for this project are significant and should be treated as such. The Forest Plan revision process takes a significant amount of time, energy, and resources from state agencies as well as from Idaho constituents who volunteer their time to create plans that satisfy local, state and federal objectives. The DEIS should clarify how the Forest Plan amendment process works, if there is a separate public comment period for the proposed plan amendments, or if the amendments are put into effect once the final decision is signed for the EIS.

## Appendix D

Page D-6, Table D1 of Appendix D states: [ldquo]FS - 56: Effects to TEPC, Sensitive, and Forest Watch plant species and their habitats will be avoided to the extent possible. Project actions in occupied Sensitive plant habitat will incorporate measures to ensure habitat is maintained where it is within desired conditions or restored where degraded.[rdquo] Appendix H5 - 6 includes a table showing occupied Whitebark Pine habitat polygons within the project area and shows the approximate number of live Whitebark pine in each polygon, as well as how many are planned for removal. This analysis should include a summary of how detrimental effects to TEPC, Sensitive, and Forest Watch plant species were avoided or minimized where possible, or where habitat for these species will be maintained within desired conditions.

The mitigation measures listed under FS-56 and FS-70 call for consultation and avoided effects to TEPC plant species, while the executive summary explicitly lists that impacts of removal or degradation will occur. It is not clear what measures are in place that [ldquo]ensure habitat is maintained where it is within desired conditions[rdquo] during removal of individual white pine trees, impacting known occurrences of other TEPC species, and converting habitat. Please clarify this section to align more with what is stated in the Executive Summary. Whitebark pine removal is discussed under all alternatives and throughout the DEIS. Reseeding Whitebark pine trees should be included in reclamation plans. New seedlings that are planted to replace the individuals removed for mining operations should be blister rust resistant seedlings.

Page D-15, FS [ndash] 136 states: [ldquo]Winter recreation use in high-elevation habitats characteristic of wolverine denning habitat will be monitored periodically. Relationships between winter recreation activities and

wolverine use of the landscape will be evaluated periodically. Where practicable, monitoring will be done in cooperation with State fish and game agencies. This mitigation measure gives the impression that the Forest Service, not Midas, is going to monitor recreation use in high elevation habitats characteristic of wolverine denning habitat. What detrimental effects is this measure mitigating for, if there is not an action item or trigger associated with the Stibnite Gold Project? This should be elaborated on. There is more predicted recreational use along the Burntlog route under Alternatives 1 [ndash] 3, and it is unclear whether Midas will monitor that route. If just the USFS will be monitoring winter recreational use in occupied wolverine denning habitat (DEIS, Appendix K1 [ndash] K4, pgs. 204 -205), FS-136 should not be included as a mitigation measure, as it is not mitigation.

Idaho supports responsible mineral development projects that work in a proactive manner to address potential environmental impacts. If you have any questions or require additional information, please feel free to contact me.

1 40 CFR [sect] 1502.12.

2 IDFG's database of sightings, IDFG and Forest Service collaborative remote camera work (2008 to present), incidental trapping incidents, the Wolverine-Winter Recreation study (2010-2015), and Midas Gold's camera survey (2013 and 2014)].

3 Idaho Department of Fish and Game. 2014. Management plan for the conservation of wolverines in Idaho. Idaho Department of Fish and Game, Boise, USA.

4 Pilgrim, K., and M. Schwartz. 2018. Testing parent-offspring relations for wolverine (*Gulo gulo*) identified from the multi-state wolverine survey submitted by Idaho Department of Fish and Game and the wolverine winter recreation research project. National Genomics Center for Wildlife and Fish Conservation, Missoula, MT, USA

5 Heinemeyer, K., J.Squires, M. Hebblewhite, J. J. O'Keefe, J. D. Holbrook, and J. Copeland. 2019. Wolverines in winter: indirect habitat loss and functional responses to backcountry recreation. *Ecosphere* 10(2) Article e02611. result, the documentation of resident animals. The analysis of potential wolverine habitat impacts

6 could be improved by examining existing recreation use levels along the portion of Burntlog Road currently open in winter and projecting that use over the proposed extension of Burntlog Road and across wolverine habitat.

6 Heinemeyer, K., J.Squires, M. Hebblewhite, J. J. O'Keefe, J. D. Holbrook, and J. Copeland. 2019. Wolverines in winter: indirect habitat loss and functional responses to backcountry recreation. *Ecosphere* 10(2) Article e02611.

7 Terrestrial Wildlife Baseline Study Addendum #1, Stibnite Gold Project, Midas Gold, Inc., November 2014.

8 NRDC v. United States DOI, 2020 U.S. Dist. LEXIS 143920 (S.D.N.Y 2020).

9 Idaho Trails Map Package ArcMap.

<https://idaho.maps.arcgis.com/home/item.html?id=27b6c7f418ff4881abb9854d3fb9412d>