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Comments: RE: Request for 120-day comment period for the Stibnite Gold Project Supplemental DEIS.

Ms. Jackson:

We write to request a 45-day extension of the 75-day public comment period-for a total of 120 days-for the Stibnite Gold Project Supplemental Draft Environmental Impact Statement (SDEIS) released to the public on October 28th, 2022.

Members and supporters of our organizations live, own property, float, fish, botanize, hunt, camp and hike in or around the proposed Stibnite Gold Project area of influence, including areas proposed for haul and mine site access routes, facility construction, and powerline expansion. We have been closely engaged in the pre-scoping, scoping and draft Environmental Impact Statement (EIS) process for the proposed Stibnite Gold Project. For the following reasons, the SDEIS comment period must be extended to 120-days.

First, just because 75 days was allowed for the draft EIS comment period, does not mean that such a short window is sufficient for the SDEIS. Our initial review of the SDEIS confirms that the proposed Stibnite Gold Project is extraordinarily complex and risks irreversible and irreparable harm to the South Fork of the Salmon River watershed. There is no other permitted use of public resources with such dramatic impacts to the land, air, water, and wildlife as large-scale mining; even more so when located at the top of a watershed that is vital for salmon recovery. Even with restoration components, large-scale mining will have long-lasting and permanent effects. Thus, a 120-day comment period is consistent with the primary purposes of NEPA: ensuring the Forest Service has sufficiently detailed information to make a reasonably informed decision and encouraging public participation in the development of that information. See, e.g., *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

Second, the Forest Service should not treat the Stibnite Gold Project like any other project in the Payette and Boise National Forests. The project's operational boundary, which sits directly on top of the headwaters of the South Fork Salmon River, is extremely problematic and thus requires heightened scrutiny. Additionally, the proposed mine is highly controversial and has the potential to significantly impact resources of high public interest, including ESA-listed fish, the Frank Church River of No Return Wilderness, rivers that are eligible for Wild and Scenic River designation, Roadless Areas, and extensive ecological, cultural, and recreational resources. The Forest Service has allowed longer comment periods for similarly sized mining proposals that did not involve the same proximity to wilderness areas or threaten ESA-listed anadromous fish.¹

Third, the Forest Service is required to disclose the environmental impacts of the proposed Stibnite Gold Project and consider public comments in selecting an alternative as well as mitigation measures. Public input is critical in helping the Forest Service to recognize potential impacts and find ways to avoid, minimize, and mitigate them. See *Western Watersheds Project v. Zinke*, 441 F.Supp.3d 1042 (D. Idaho 2020). "NEPA's purpose is realized not through substantive mandates but through the creation of a democratic decision making structure that, although strictly procedural, is almost certain to affect the agency's substantive decision." *Oregon Natural Desert Ass'n v. BLM*, 625 F.3d 1092, 1099 (9th Cir. 2010). "[B]y requiring agencies to take a 'hard look' at how the choices before them affect the environment, and then to place their data

and conclusions before the public . . . NEPA relies upon democratic processes to ensure . . . that the most intelligent, optimally beneficial decision will ultimately be made." Id. at 1099-1100.

Fourth, the release timing of the SDEIS only heightens concerns that the Forest Service seeks to rubber stamp an enormously complex and controversial mining project without meaningful public review or participation. For example, when the draft EIS was released in 2020, the comment period encompassed only two federal holidays: Labor Day and Indigenous Peoples Day. The timing of this release runs headlong into a gauntlet of both federal holidays and holidays deeply rooted in our nation's traditions, especially the religious holy days throughout December and early January. This substantially diminishes the available time our organizations and the public will have for review. Whether an individual observes these holidays or not, this comment period also overlaps with one of the busiest times of year for travel to visit family.

Finally, we appreciate the Forest Service deciding to issue an SDEIS, but the fact that it was deemed necessary highlights the complexity of the project, which has changed substantially since the draft EIS. Additionally, the Forest Service appears to have set forth a preferred alternative, which includes significant landscape alterations such as backfilling the Hangar Flats Pit with waste rock material, constructing a new water feature to replace the "Glory Hole," placing liners under stream channels to prevent dewatering and contain toxic metals in the backfill, and using underground pipes to mitigate for potentially lethal water temperatures for resident and anadromous fish. These significant changes require additional time and resources for the public to review. If the Forest Service needed significant additional time to analyze the project, the public absolutely needs a 120-day comment period to review that analysis.

¹ See 77 Fed. Reg. 4275 (Jan. 27, 2012) (noting extension of draft EIS comment period for the Rosemont Copper Project from 90-days to over 100-days); 83 Fed. Reg. 59411 (Nov. 23, 2018) (90-day comment period for proposed Dairy Syncline Phosphate Mine Project); 83 Fed. Reg. 49123 (Sept. 28, 2018) (90-day comment period for proposed East Smokey Panel Mine Project).

Given the substantial public interest in the South Fork of the Salmon watershed-as well as the complexity of the proposed Stibnite Gold Project's environmental analysis-our members and supporters, as well as other members of the public will benefit from an extended review to better understand how the proposed mining project may affect their own interaction with the land and relay this information to the Forest Service. Without a 120-day period to review the Supplemental DEIS and its supporting documents, the Forest Service will fail to meet NEPA's basic purposes. The Forest Service's motto is "Caring for the Land and Serving People." Hosting a 120-day comment period during this time of intense uncertainty would best serve the people who care deeply about and are inextricably intertwined with this landscape. We, the undersigned, on behalf of our members and supporters, respectfully request that the Forest Service provide a 120-day comment period for the Stibnite Gold Project Supplemental DEIS. Will you grant this request?

Sincerely,