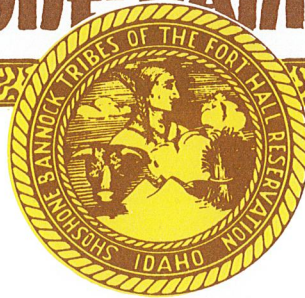


The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 478-3700
FAX # (208) 237-0797



FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

January 10, 2023

Linda Jackson, Payette Forest Supervisor
Stibnite Gold Project
500 N. Mission Street, Building 2, McCall, Idaho 83638

RE: Formal comments from the Shoshone-Bannock Tribes regarding the Stibnite Gold Project Supplemental Draft Environmental Impact Statement.

The Shoshone-Bannock Tribes (Tribes) have reviewed the available materials presented in the Stibnite Gold Project Supplemental Draft Environmental Impact Statement (Project SEIS) and offer the following comments regarding the overall impact of the Project and associated environmental concerns addressed as technical comments. As this communication includes both generally applicable comments on the Project's impacts to the Tribes and technical comments, please consider the context of both comments and when making the revisions please indicate how the comments were considered and if changes were made to the document when publishing the final document and record of decision.

Overview

Generally, the Tribes recognize the importance of wise management of public resources and the myriad laws that govern the extraction of resources from public lands often place user groups at odds; in the current Project, this is readily apparent. It should be noted, clearly, that Native American tribes are not 'stakeholders' or 'interest groups' but are unique governments with wide ranging interests in each aspect of the Project and the Forest Service has an obligation to consult with tribes on the issues presented in this SEIS. In order for the consultation process to be meaningful, the Tribes expect the issues raised during government to government consultation to be addressed as well as these written comments.

As an opening statement, the South Fork Salmon River and its tributaries are significant resources for the Tribes' membership as they contain subsistence resources, cultural connections, and spiritual gathering places from time immemorial. The continued exploitation of the watershed for minerals represents a direct threat to our use of the watershed for many generations to come; in particular, the East Fork of the South Fork is still experiencing impacts from legacy mining during the previous century. The Tribes do not support continued exploitation of mineral resources as proposed by the Project, particularly in light of off-mine impacts, new road development, and uncertain mitigation measures associated with mining

actions. As noted in previous consultation meetings on this project, the Tribes remain committed to participating in the process of reviewing the proposed action but cannot support the mining proposal as presented in the SEIS.

Background

The various bands of the Shoshone and Bannock people traditionally roamed extensively throughout the Great Basin, Columbia River Plateau and Intermountain region; with numerous bands often described by the food resources in their territory. Prior to non-Indian settler's entry into the region, Shoshone and Bannock peoples utilized these rich natural resources, and enjoyed the cultural traditions and lifestyles unique to our people. The Tribes called their aboriginal territory, "*bia sogope*" the Shoshoni term referring to "our big lands". The removal of our people to reservations remains a dark moment in our history, with generations carrying on stories of our homelands. The Fort Hall Reservation is now home to over a dozen bands of Shoshone and Bannock peoples from across our homelands, permanently residing in Fort Hall but never giving up their ancestral and reserved rights to return to those homelands across the region.

In June 1867, an Executive Order established the Fort Hall Indian Reservation, as a collective place to consolidate the various bands of Shoshones and Bannocks, from their aboriginal lands, clearing the way for European-American settlements, such as ranchers and miners who desired rich resources present on aboriginal lands. The United States then signed a treaty, the Treaty with the Eastern Shoshone and Bannock Indians in 1868 (commonly referred to as the "Fort Bridger Treaty"), to protect our subsistence rights to harvest foods, medicine, and materials from our homelands. This document established a political entity we now refer to as the Shoshone-Bannock Tribes (Tribes) who are the stewards of the unique culture, homelands, and practices of our people from time immemorial.

The 1868 Fort Bridger Treaty (15 Stat 673) affirmed the reservation reserved by Executive Order in 1867 and reserved certain off-reservation use rights for the Tribes. Article IV states:

The Indians herein named agree, when the agency-house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied land of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

The protection of expressly reserved and inherent rights continues to be a critical component of our management perspective. The Project has not documented how it will be protective of these reserved rights, and in many respects, fails to acknowledge the generational impacts from Project actions will have on our Tribal membership.

Snake River Policy

The Tribes have always stressed the importance of initiating efforts to restore the Snake River system and affected unoccupied lands to a natural condition; it is a watershed level view of resource management. The Shoshone-Bannock Tribes Policy for Management of the Snake River Basin Resources states:

The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate-the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.

The proposed Project has the potential to impact a large landscape within the Snake River basin that is currently home to a myriad of native assemblages of species. While our policy does recognize that anthropogenic modifications are the current paradigm, large-scale projects should not impact future generations of Tribal members' opportunities to enjoy the natural view shed, gather resources and continue traditional cultural practices. In our view, when the Project is objectively evaluated and those noted impacts are weighed against the proposed mitigation measures, a decision to permit the mine would tip the balance in favor of short-term mineral exploitation at the expense of functional watersheds for future generations; this is not a decision that the Tribe would support.

Tribes' Fish and Wildlife Department Mission Statement

Consistent with the Tribes' Snake River policy, the Tribes' Fish and Wildlife Department developed the following mission statement to provide additional guidance to program managers and Department personnel.

The mission of the Shoshone-Bannock Tribes Fish & Wildlife Department is to protect, restore, and enhance, fish and wildlife related resources in accordance with the Tribes' unique interests and vested rights in such resources and their habitats, including the inherent, aboriginal and treaty protected rights of Tribes members to fair process and the priority rights to harvest pursuant to the Fort Bridger Treaty of July 3, 1868 (15 Stat. 673).

The Department is guided by a collective Tribal vision for responsible management, creating and implementing programs for fish, wildlife and their habitats. Through holistic action implementation the Department engages each year in habitat restoration, vegetation management, technical consultation, production measures, research, monitoring and evaluation efforts for a variety of species. Using the best available science, traditional ecological knowledge, and integrated and innovative project planning the Department is able to deliver a wide-array of technical expertise for fish, wildlife, and plants. Our initial assessment of the project Proposal does indicate that perpetual landscape level disturbances are likely, and that long-term (100+ years) impacts will occur for a number of culturally important species and their habitat.

Cultural Resources

The Salmon River basin is identified as a component of our ancestral lands and our people roamed these lands and waterways from time immemorial in a seasonal round that sustained our unique culture. It is critical to realize that the Tribes view both physical and non-physical

characteristics as cultural resources; that the physical manifestation of those cultural features is directly linked to the underlying pristine character of an intact ecosystem. The Tribes have identified both significant physical and non-physical cultural resources in the area that will be impacted as a result of the proposed Project. The Tribes have remained clear that the Project has a high potential to impact cultural resources, contemporary cultural practices, and leave a long-term mining legacy for future generations.

NEPA and the 1872 Mining Law

The purpose of NEPA is to require federal agencies to produce a “detailed statement” for “major federal actions significantly affecting the quality of the human environment” that must include analysis and description of impacts to a variety of environmental categories (i.e. water, air, socioeconomic, etc.). Basically, the federal agency is required to take a “hard look” at the Project and issue a decision document based on a reasonable range of alternatives. However, when an agency takes a ‘hard look’ at a mine plan of operations through a NEPA document the decision space is frustratingly narrow; to the extent where an agency cannot choose a ‘no action’ alternative or tell a mining company that mining is not in the public interest, regardless of impacts. In essence, the NEPA document becomes a vehicle to permit a mining activity that allows a private company to maximize profits through environmental deterioration and is subsidized by the people with the most connection to the landscape. From this perspective, the NEPA and 1872 mining laws are in direct conflict and should be resolved through regulation or other mechanisms. For example, a reasonable range of alternatives would include requirements to comply with existing Forest Plans, complete backfilling of pits, developing waste storage on private lands, avoiding tailing impoundment facilities, etc.

Forest Plan Revisions

The Project, as described by Perpetua, cannot meet existing standards developed in the Forest Management Plan for the Boise/Payette National Forest and accordingly is requesting four significant, project-specific amendments so their mine can proceed. The Project needs these amendments so they can: 1) divert waters that create fish passage barriers in critical habitat; 2) allow for the total degradation of productive soils in the watershed; 3) diminish listed fish populations and degrade their aquatic habitats; and, 4) degrade the viewshed in perpetuity. These impacts are irreversible and will not be mitigated fully by the Project, instead the Project is requesting an exemption for their operation from requirements agreed to during the Forest Planning Process that involved thousands of stakeholders. While this project is often referred to as ‘compliant’ or ‘environmentally-friendly’, it begs the question of why there is a need to change the conditions in the Forest Plan...from the Tribes perspective there is no need to allow these amendments so the mining can proceed without mitigating for those impacts.

Specific Comments

ESA-Listed Anadromous and Resident Fish

The species ‘at-risk’ from Project actions creating near-term extinction risks are anadromous fish species (Snake River Spring Summer Chinook and Snake River Steelhead), as well as resident fish (Bull Trout); all of which are listed under the Endangered Species Act. The SEIS notes that once mitigation measures are balanced this Project will not improve species habitat, passage, or their respective populations; in fact, the SEIS confirms that once all factors are considered this

Project will have a negative impact on these species and their habitat. The Tribes recommend including legally-binding, specific actions in the Final EIS and Record of Decision that require the Project Proponent to commit to: a specific timeline for all restoration actions, a fully funded fisheries program that engages in active mitigation throughout the project life and is required to meet specific metrics for all life cycles of each species, and, a fully vested stewardship fund to address legacy mining issues in the post-closure period.

The Tribes have significant reservations about the overall reliance on the bypass system for fish passage, particularly because this type of bypass has not been demonstrated as effective for anadromous fish. Typical bypass systems are definitely more labor intensive (i.e. trap and haul programs) and typically require on-site personnel for long periods of the field season; although the Project relies on an untested bypass system, more conventional solutions may be required. It is clear that connected watersheds provide the greatest opportunity for anadromous colonization and recruitment above the project, and the Tribes are supportive of removing the legacy passage barrier; however, utilizing untested methods may result in significant expenditures for 'mitigation' without realizing any real species benefit. The expansive nature of the Project includes a landscape level modification that requires a commensurate level of evaluation for impacted species to fulfill the adequacy requirements of the NEPA process.

The Project utilizes a relatively complicated formula to provide for large-scale passage barriers from current mining operations, in exchange for removing passage barriers through untested means (i.e. fish bypass system). This leads the SEIS to conclude that the effect on fish will be ultimately negative, but largely mitigated; without including basic assumptions about the cumulative effects of climate change and increased stream temperatures. In addition to this oversight in the modelling, there are also uncertain assumptions about the beneficial effects of riparian planting for 'cooling' measures given the results from analogous restoration actions in the Salmon River basin. In short, the SEIS reveals significant risks to listed species that are not mitigated through the Project plans; leading the Tribes to conclude that this Project is not in the best interests of these species or our membership.

Water Quality

The SEIS and supporting appendices rely heavily on 'Best Management Practices' to ensure that the projected loading of the East Fork South Fork Salmon River is within the legal threshold put forth by the Idaho Department of Environmental Quality. While this Project does note increases for mundane contaminants (sediment and/or temperature) that will have long-term effects on the environment, the Tribes still have concerns with loading particular contaminants on human health for our members utilizing resources from the area. The Project plans to implement a great deal of restoration actions in the initial phase and then completing the remaining restoration actions post-mining, with a timeline showing 50-100 years post-mining things will return to 'normal'. While it is understood that the best efforts to reduce constituents of concern will be taken at the outset of restoration design, inadvertent releases or severe weather can occur suddenly at this elevation (with potentially serious consequences) and the 50-100+ year timeline only increases the risk threshold for those stochastic events to compromise elements of restoration in the Project plan.

Increased exposure of legacy leachates in tailings have relatively unknown concentrations of multiple constituents of concern, including legacy cyanide and arsenic, that have the potential to be mobilized during extraction/restoration activities. There is a possibility that the specific monitoring locations will not adequately pick up problems, and correlate those problems with specific locations within the mine site, in a timely fashion; increasing the likelihood that issues will be compounded by duration of exposure and/or ability to remedy releases. The Tribes' perspective is that intensive monitoring protocols should be required throughout all mining phases, with rigorous post-mining monitoring required throughout the projected life of reclaimed features (pits, tailings piles, ore stockpiles, etc.). As is often the case in new mining proposals, the water quality program relies heavily on adaptive management processes that do not necessarily include the collection of current data to inform management decisions based on established action triggers/metrics. This is particularly relevant to this proposal as most of the monitoring protocols rely on spot checks once every three months, instead of active/continuous monitoring during ground disturbance and post-closure.

The SEIS describes a discharge of sewage and waste into the watershed that is anywhere from 25,000 -50,000 gallons per day of sewage discharge from the treatment plant. The Project doesn't describe any detailed information about the design of this sewage treatment plant or what the potential effluent is going to be. The Tribes are very concerned about this aspect because our Reservation is immediately downstream of a sewage treatment plant that releases serious contaminants. So why is the Forest Service allowing this mining operation to contaminate the pristine waters downstream, where our members are in those waters, without actually evaluating what that facility will look like and disclosing it to the public? The purpose of the SEIS is to describe every component of the Project, and this is one example where the questions cannot be answered by the information presented in the document.

The Tribes remain adamantly opposed to any course of action that would contribute to the existing levels of contamination from legacy mining or increase the risk of mobilizing contaminants during mining activities. This concern is compounded by the legacy risk this action will leave in the South Fork Watershed (50-100+years) when considering the known effects of climate change that will change the seasonal thermal regime, hydrologic cycle in the basin, and, the potential for large scale wildfire and/or flooding events. With water resources being one of our most sacred and base elements of all life, the risk to the watershed from mineral extraction is one of our foremost concerns; unfortunately, the Project does not adequately address these impacts or recommend suitable mitigation measures to ensure water quality does not deteriorate.

Air Quality

The SEIS indicates a claim that the Project can contain over 90% of all emissions from operations, and that there are metrics for controlling those emissions from the operations over the life of the mine. While this may be factual, there will not be any requirement to actually engage in monitoring for air quality so there won't be any data to confirm these statements. At a minimum, the Tribes request that monitoring for Air Quality be required for all components of the Project as a condition of this permit and that those results be measured against established parameters for air quality; with the requisite fines associated with violations during operations.

Mine Waste Management

The tailings impoundment facility is located on unpatented mining claims, even though there is no intention to actually mine in that location; while this Project seems to gloss over this fact it is not the only issue with the location or design of the tailing impoundment. The Project actually creates a fish passage barrier, while removing other barriers; resulting in no net gains for passage and perpetual barriers due to the constituents associated with the tailings impoundment. There aren't many options to create sustainability from an inherently non-renewable enterprise, but creating a problem from the beginning is far from demonstrating good stewardship of public resources. In the end, the location of the tailing impoundment appears to be an effort to off-load a long-term waste storage facility on public lands and avoid perpetual maintenance of these contaminants. The Tribes request a complete evaluation and formal opinion on the legality of the 'millsite' areas that will be used to permanently occupy public lands and expand the 'mining' area by thousands of additional acres with little to no oversight; this opinion should be conducted by an objective agency counsel with knowledge of current mineral law in the 9th Circuit and included in the Final EIS and Record of Decision.

Critical Minerals

While sustaining domestic production of critical minerals is a broad national goal, implementing large scale production measures should not absolve mineral development companies of obligations to extract those minerals in a responsible manner. The Tribes have noticed a growing trend to emphasize the demand for domestic production of rare minerals as a justification for the mineral extraction, and the expediency of environmental review; with a tendency to 'lower the bar' for remediation and on-site monitoring during mining activities. Creating meaningful mineral development operations requires significant investments in environmental remediation and resource protection for decades to come. In the present case, if/when the 'critical' minerals become obsolete commodities, the mining company should still be prepared to fully implement the required remediation and not be allowed to forgo actions that are committed to in the mine plan of operations by increasing the reclamation bond up front; in other words, pay the up-front cost of reclamation at the outset of mining rather than depend on uncertain mineral markets years from now. While a great deal of effort is going into justifying a permit from the mining operation, a clear rationale of 'why' creating irreversible damage to the South Fork is actually in the public interest has not been presented by this SEIS.

Development of New Transportation Routes

The development of new transportation routes is glossed over in the SEIS as more of an ancillary impact of mining than one of the primary impacts, and likely one of the longest lasting on the landscape. The creation of new transportation routes in the associated topography will increase, and this is documented in the SEIS, mass wasting events and sediment delivery to sensitive watersheds where heavy traffic will be within 100 feet of ESA designated critical habitat for miles. In addition to the increased risk of catastrophic wildfire, invasive species spread, recreation vs. mining traffic collisions, etc. there will also be a permanent change in the character of the South Fork Salmon River with more vehicles, more routes, and increased damage to the ecosystems our species rely on. Finally, the actual routes (Burnt Log or Johnson Creek) will increase user conflicts, environmental damage for listed species, and will require long-term rehabilitation; all in order to facilitate a mining plan that will leave perpetual on-site damages. If

the Project is in the best interests of the public, then the transportation routes should improve existing routes and be in full view of the public throughout the life of the operation.

Post-Closure Requirements

During initial project exposure to the public and in the initial DEIS for the Project, the proponents and Forest Service were quick to point to ‘state of the art’ water quality treatment for the mine. Based on new assumptions, generally presented as new ‘liners and caps’, will eliminate the need for water treatment after 40 years; because if there is a problem at year 39 it will definitely be resolved perpetually following year 40. An arbitrary deadline for maintenance of water quality treatment facilities only serves to benefit the proponent of the operations; obviously it is in the public interest to require water treatment for as long as necessary to meet established standards for human consumption, human health, and aquatic life. The Tribes unequivocally oppose allowing an arbitrary 40-year timeline to dictate the extent of water quality treatment; if this mining operation causes impacts to water quality in perpetuity then they need to commit to treat that water impacted for just as long.

Page Specific Reference Table

Shoshone-Bannock Tribes Comments Stibnite Gold Project (SGP) SUPPLEMENTAL Draft Environmental Impact Statement Forest Service, Region 4, Payette and Boise National Forests, Valley County, Idaho January 2023					
Submit Written Comments To: Linda Jackson, Payette Forest Supervisor Stibnite Gold Project 500 N. Mission Street, Building 2, McCall, Idaho 83638					
Submit Electronic Comments To:					
Item	Section	Page	Paragraph	Line	SBT Comment
General Comments					
1					All comments submitted on the DEIS that have not been addressed in the SDEIS and/or mine plan modifications should be considered as valid comments on the SDEIS.
2					Thank you for modifications to the SGP mine plan of operation based on SBT comments on the DEIS.
3					Thank you for remediation work planned under the current ASAOC with EPA.
4					Keep Optional Phases 2 and 3 in the EIS and include as cumulative or connected actions (Chapter 1, Section 1.3, last paragraph).
5					Please explore and re-evaluate any use of Johnson Creek and Stibnite Roads during either construction and/or operation. This reviewer has recently visited the proposed mine site and driven these roads. Risks to the environment from accidental spills, air emissions, and water along these routes are unacceptable.
6					Please consider using FR 440 as a route off of the Johnson Creek road and into the mine area, completely avoiding the Stibnite Road and the town of Yellow Pine.
7					Thank you for reducing temperature and arsenic impacts to the EFSFSR by modifications to your mine plan. However, temperature loads are still unacceptable, as submitted in the SDEIS. Please

				continue to seek further reductions in these impacts as well as others such as mercury, lead, and cyanide.
8				Septic drain fields should be located according to Idaho DEQ requirements.
9				All potable wells and potable water supply for workers should be permitted as Public Water Systems under the Idaho DEQ.
10				"Fluctuating economic conditions" should not be allowed to influence the life of the mine and the remediation/restoration activities. Perpetua should be committed/obligated to mine regardless of metals prices. Because pit mining is the primary ore source and tailings reprocessing is the secondary and last effort during the mine life, there is concern that tailings reprocessing will not be done as promised.
11				Antimony reserves at SGP are highly insignificant compared to major global suppliers. Additionally, because Perpetua does not have an antimony refinery and will have to sell ore to a foreign refinery (there are no refineries in the US) yet to be determined, which means storage of the antimony ore will be required, it is clear that justifying this project under the critical minerals program poorly advised.
12				Because of the small reserves of antimony at SGP and because mining is an unsustainable activity as the resources are finite, please establish an antimony recycling program for Idaho and use your financial resources to educate the public regarding the finite resources that mining highlights.
13				Please ensure and verify that development rock used for roads, parking areas, or concrete aggregate are suitable, not leachable, and does not contain radon-producing constituents.
14				When discussing "liners", "lining", and other containment components, please be specific each time the term is used. Just saying "lining" or "liner" tells the reader nothing and does not inspire confidence that appropriate materials will be used to prevent contaminant migration.
15				All synthetic liners or lining material should be 80 ml HDPE and not LDPE. LDPE will not withstand the weight and usage common at a mining operation. 80 ml HDPE liner should be seam heat welded. Even though the Idaho regulations for cyanide processing do not require this, please raise the bar for mining practices in the US by foreign companies.
16				The lime kiln should be permitted by the Idaho DEQ.
17				Mercury emissions of any kind or amount are unacceptable. Please eliminate the retort step or whatever is necessary to eliminate all mercury emissions.
18				Please use LED lighting for all mine and facility lighting needs to raise the bar for mining practices and show Idaho that Perpetua is genuinely committed to environmental protection and conservation.
19				The Shoshone-Bannock Tribes request the USFS require focused analysis of earthquake impacts to on-site and off-site resources including: static analysis, response spectra analysis and time history analysis with a detailed report provided on stability features of the Tailings Structure under stress conditions, impacts to resources should a catastrophic failure occur and location dispositions of materials should this occur.
20				The Tribes suggest to the USFS that there be no transportation of hazardous waste or hazardous materials to the mine area until the Burnt Log Road is constructed.
21				The Tribes may request permission to place their own air monitors in and around Meadow Creek during mine operations.

22					<p>The construction and operation of mine infrastructure may impact water quality and quantity within the analysis areas. The Tribes request that the following products and physical parameters be included in all environmental monitoring of mine and operation areas.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Mineralized waste generated (tons, closure stabilization, and water chemistry). • Exposures of ore bodies/potentially acid-generating material (rock and water chemistry). • Legacy mine tailings and waste rock (rock and water chemistry). • Methylation rates for mercury (water chemistry). • Surface water quality (water chemistry and temperature). • Groundwater quality (water chemistry). • Stream flow characteristics (daily, seasonal, annual). • The extent, magnitude, and duration of changes in groundwater levels (feet of drawdown).
Item	Section	Page	Paragraph	Line	SBT Comment
Specific Comments					
1	Section 1.10.1.3				Date of Fort Bridger Treaty is 1868, not 1863 (July 3,, 15 Stat. 673). Please correct.
2	Section 2.4.5.1		2nd		Yellow Pine Pit Lake is NOT "small" (222 acres and 720' deep). Please remove the word "small".
3	Section 2.4.5.1				Please detail the water rights issue for use of groundwater seepage and in-pit surface water runoff in the ore processing plant, including documentation of water rights.
4	Section 2.4.5.1				During the use of lower grade ore (either expected or unexpected) and as metals prices fluctuate, this reviewer has concerns that the mine lifetime, thus the remediation work after mining, will be extended/delayed into the future, further causing devastating impacts to the EFSFSR and surrounding environment. And would low metals prices be used as an excuse to not move low-grade ore from the tailings piles or the ore stockpiles?
5	Section 2.4.5.6				Define and reference the physical and chemical stability determinations of development rock. Who will monitor this? Who are data reported to? And, who makes the suitability determinations? Agencies?
6	Section 2.4.5.6				Define and identify "appropriate disposal facility". If hazardous waste is expected, then please discuss in more detail.
7	Section 2.4.8.1				<p>The Shoshone-Bannock Tribes request to be involved in the environmental monitoring process to determine monitoring requirements; schedule, locations and analysis. As discussed with USFS personnel during meetings in January, 2023, the Tribes request monitoring to determine performance of environmental requirements of any and all permits be done so on a quarterly basis, at a minimum. Changes to processing and resulting discharges are expected and will require a robust monitoring sequence to begin with. Any changes to process that may potentially change emissions to any media must be communicated to USFS and others and monitored.</p> <p>The Tribes may choose to conduct their own independent monitoring of certain media.</p>
8	Section 2.4.8.2				The Shoshone-Bannock Tribes request to be involved in the reclamation monitoring process to determine reclamation monitoring requirements and to conduct both monitoring oversight and collection of split samples.

9	Figure 2.4-9				Process flow diagram(s). Please show and label the cyanidation component of the ore processing.
Item	Section	Page	Paragraph	Line	SBT Comment
Specific Comments on Special Designations Specialist Report					
1	1.3. Wild and Scenic Rivers				Section 1.3. Wild and Scenic Rivers The river segments that are the focus of this analysis include: Burnt Log Creek (eligible - recreational), Johnson Creek (eligible - recreational), and South Fork Salmon River (suitable - recreational) (Forest Service 2003a, 2010). Are these river sections only eligible for recreational? These should be listed for cultural and customary properties, significant to the Shoshone-Bannock Tribes.
2	6.1.2.3 Johnson Creek				An approximately 2.9-mile segment of Johnson Creek located in BNF MA 21 is eligible for inclusion in the National System, with a preliminary classification of recreational. Figure 6-3 shows its location. The VQO for Recreational WSR segments is partial retention. This reach of Johnson Creek is eligible for WSR status because of its ORV for cultural (heritage) resources. There are numerous known historic and prehistoric sites along Johnson Creek (both in and outside of the eligible corridor); those that are eligible for listing on the National Register of Historic Places are historic properties (Forest Service 2022e). Any historic properties located within the 2.9-mile eligible corridor would contribute to its Heritage ORV (Forest Service 2010). The existing Idaho Power Company Line 328 (transmission line) was built to service the Stibnite Mine during World War II and is recognized as a contributing Heritage resource under which Johnson Creek is eligible (Forest Service 2013). This transmission line would be replaced with a higher-capacity line as part of the SGP. If the existing Idaho Power line 328 is recognized as contributing to Heritage resource for Johnson Creek-how can this transmission line be replaced and still maintain the status as Heritage?
3	6.1.2.2 Burnt Log Creek				Burnt Log Creek, located in MA 20 Upper Johnson Creek, is eligible for inclusion in the National System from its headwaters to its confluence with Johnson Creek. Burnt Log Creek has an ORV for fish (Forest Service 2010), as it is a Pacfish/Infish priority watershed that supports spawning and rearing habitat for wild Chinook salmon, steelhead, cutthroat trout, redband trout, and bull trout. From its headwaters to the crossing of Burnt Log Road (FR 447), Burnt Log Creek is eligible as a recreational river. Downstream of Burnt Log Road it is eligible as a wild river. Figure 6-2 shows its location. The VQO for the recreational segment is partial retention. The VQO for the wild segment is preservation. Burnt Log Road crosses Burnt Log Creek and several of its tributaries. It separates the recreational segment upstream of the road from the wild segment downstream. The entire section of Burnt log creek should be designated as Cultural and heritage.
4	Table 6-11				Table 6-11 IRAs and Lands Contiguous to Unroaded Areas Special Features.

				<p>Add Shoshone-Bannock Tribe cultural and customary areas to this table, special gathering areas.</p>
5	7.2.1.2			<p>7.2.1.2 2021 MMP</p> <p>The untrammeled quality of wilderness character would be impacted when noise and lights change wildlife species distribution and behaviors. Noise from mine activities, vehicles on Burnt Log Route, and changes to natural dark skies during construction, operation, and closure and reclamation activities could result in a long-term change in wildlife species natural distribution. The duration could be short-term as some individuals of wildlife populations become habituated to noise, lights, and human activity.</p> <p>This entire section is a disingenuous description of impacts to wildlife. A true and complete study of impacts to all species of wildlife should be complete identifying how blasting, lights, noise and increased vehicle and human traffic may impact the species. Locations of migration, impacts to local areas that have not had wildlife species present and potential repercussions should be fully identified.</p>
6				<p>7.2.2.2 2021 MMP</p> <p>Existing or new mining activity on a Forest Service-identified Wild, Scenic, and Recreational eligible or suitable river segment are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation, pollution, and visual impairment (FSH 1909.12, Chapter 84.3).</p> <p>Burnt Log Road (FR 447) crosses the WSR-eligible Burnt Log Creek and its tributaries. The road would change from a summer-only route with primarily recreational traffic to year-round use involving plowing, de-icing, and serving heavy industrial vehicles. Rock, gravel, and sand required to construct and maintain the road surface would be quarried from locations along the route.</p> <p>How does this action comply with FSH 1909.12, Chapter 84.3? Changing to year-round industrial use does not comply. 15 years is not temporary. It is permanent.</p>
7				<p>7.2.2.2 2021 MMP</p> <p>Traffic by heavy construction vehicles and equipment would occur throughout the road and SGP construction periods. The Motorized Mixed-Use Analysis Report (DJ&A, PC 2017) anticipates an addition of 65 vehicles per day on the Burnt Log Route during construction, with 69 percent of those anticipated to be heavy vehicles. As there are currently no buildings or operations in the Burnt Log Creek watershed, the addition of the Burnt Log Maintenance Facility would likely have an incremental increased effect on stormwater runoff, potential leaks or spills of automotive fluids, and sedimentation of dust from on-site road sanding material storage and vehicle travel over gravel surfaces. However, the facility would change less than 0.1 percent of the watershed to industrial use from forestry use, so any effects on water quality, ORVs, or the Wild classification of Burnt Log Creek are likely to be negligible.</p>

					The Tribes disagree. The effects on water quality, ORVs, Wild classification and cultural and customary access through Treaty protected rights will be significant and must be classified in this manner. Runoff in the creek is expected, potential leaks and spills from large heavy equipment is expected and dust, debris is not just incremental but significant. The true impacts from this construction must be documented in a realistic manner and communicated to the public that way. How will the loss of Treaty protected rights for the Shoshone-Bannock Tribes be mitigated? How do these activities comply with Environmental Justice?
8	7.4 and 7.4.1				7.4 Cumulative Effects 7.4.1 Past and Present Actions Midas Gold Exploratory Drilling (2009-2012), Monitoring Wells for the Golden Meadows Project (2013), Midas Gold Baseline Studies (2013-2017), Winter Geotechnical Study (2017), Geotechnical Studies along Meadow Creek (2017), Operations Exploratory Drilling (2016-2019), Exploration and Geotechnical Drilling (2018), On-going Monitoring for Golden Meadows Project, Burnt Log Route Geophysical Investigation Field Work (2020-2021), Transportation projects have all occurred for over a decade to support the Stibnite Gold mining project. What have the impacts been to the wildlife? Have studies been occurring to determine what impacts have occurred? This information must be provided to identify migration patterns, avoidance, wildlife deaths, spills, etc.
Item	Section	Page	Paragraph	Line	SBT Comment
Specific Comments on Forest Plan Amendments					
1	Section 1.7.1				Payette National Forest is the lead agency, but mining actions will impact Management area 13 of Payette and Management Areas 17, 19, 20 and 21 of the Boise Forest. The Forest Service may want to ask for separate public participation for each of these Management Plans or combine them and then increase the public participation time to comment.

Closing

Thank you for considering our comments during the scoping period of this document and we look forward to working with you as the EIS progresses. Should you have any questions please feel free to contact Kelly Wright, Environmental Waste Management Manager, kwright@sbtribes.com or Christina Cutler, Fisheries Environmental Coordinator, ccutler@sbtribes.com or Carolyn Smith, Cultural Resources Coordinator, csmith@sbtribes.com .

Respectively,

Nathan Small, Chairman
Fort Hall Business Council, Shoshone-Bannock Tribes

cc: Fort Hall Business Council
Environmental Waste Management Program, Kelly Wright, Manager
Land Use Department, Travis Stone, Director
Land Use Commission
Public Affairs Office, Yvette Tuell, Policy Analyst
Fish & Wildlife Department, Chad Colter, Director
Air Quality Program, Lori Howell
Language and Cultural Resources, Carolyn Smith and Louise Dixey
Water Resources Department, Candon Tanaka