



Via Electronic Submittal

October 21, 2024

Objection Reviewing Officer
Stibnite Gold Project
USFS Intermountain Regional Office, Room 4403
324 25th Street
Ogden, UT 84401.

Submittal to: <https://www.fs.usda.gov/project/payette/?project=50516>

RE: Objection to the Stibnite Gold Project Final Environmental Impact Statement (“Final EIS” or “FEIS”) and Draft Record of Decision (“Draft ROD” or “DROD”)

To the Responsible Official: Matthew Davis, Forest Supervisor Payette National Forest

Pursuant to 36 C.F.R. Part 218, Trout Unlimited files this Objection to the FEIS and Draft ROD for the Stibnite Gold Project issued by Payette National Forest Supervisor Mathew Davis on September 6, 2024.

Trout Unlimited filed comments on the Draft SEIS on January 10, 2023, and previously commented on the 2020 DEIS, having fully participated in the Forest Service’s review of the Project.

Pursuant to 36 C.F.R. 218.8, Objectors state that the following content of this Objection demonstrates the connections between the January 2023 Comments for all issues raised.

Interests and Description of Objectors

Trout Unlimited (TU) is the nation’s oldest and largest non-profit coldwater conservation organization with over 300,000 members and supporters dedicated to conserving, protecting and restoring North America’s coldwater fisheries and their watersheds. Since 1959, TU staff and volunteers have worked toward the protection of sensitive ecological systems necessary to support robust native and wild trout and salmon populations in their respective ranges. Additionally, TU recognizes the high value of public lands and the

role public lands play in providing habitat to coldwater fisheries, drinking water, and wildlife habitat. Trout Unlimited believes that the actions taken on public lands are ultimately reflected in the quality of fish and wildlife habitat and their populations.

In Idaho, TU plays a critical role in watershed conservation, restoration, and rehabilitation, particularly our public lands. Nine chapters with 3,000 members statewide actively participate in projects with the Forest Service, local communities, and private landowners in order to maintain the larger landscape that is so vital to the social and economic well-being of communities in Idaho. Trout Unlimited's Idaho chapters and staff have long-term relationships with the USFS and partnerships with many stakeholders to develop mutually beneficial solutions to land management problems.

The recovery of Idaho's wild salmon and steelhead is a priority for Trout Unlimited. There is no doubt the Stibnite Gold Project will have an impact to wild stocks of salmon and steelhead in the South Fork Salmon watershed, an important population segment for Idaho's endangered anadromous stocks. Additionally, the South Fork Salmon provides important high elevation habitat for native cutthroat and bull trout.

With that in mind, we respectfully submit the following objection to the Stibnite Gold Project Final Environmental Impact Statement.



Michael Gibson
Idaho Policy Advisor
Trout Unlimited



Detailed Objections

The Final Environmental Impact Statement (FEIS) and Draft Record of Decision (DROD) fail to consider new information regarding ESA-Listed species as identified by Biological Opinions.

From Trout Unlimited Comment comments on SDEIS (p. 5):

“The South Fork Salmon River (SFSR) ecosystem is home for steelhead, salmon, bull trout, and cutthroat trout, of which steelhead, salmon and bull trout are listed under the Endangered Species Act (ESA). Even with past mining impacts and other stressors, populations of all 4 of these fish persist in the landscape impacted by the SGP. This is remarkable and is worthy of maintaining and stewarding for future generations.

While the SDEIS readily admits to anticipated, significant adverse impacts to listed species and critical habitat, it is unclear how the project could proceed without running afoul of the strict requirements in ESA.

To comply with Section 7 of the ESA, it is clear from the SDEIS and the proposed action that the Forest Service must engage in formal consultation with both FWS and NOAA Fisheries concerning the potential impacts to listed species, especially concerning the impacts to federally threatened Chinook salmon, steelhead, bull trout and their formally designated critical habitats.”

In its response USFS states (FEIS B-399):

“The Forest Service has conducted formal Section 7 consultation with both USFWS and NMFS for the SGP.”

Both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) issued Biological Opinions, but after the FEIS and DROD were released. The NMFS document was released on October 7, a mere two weeks before the objection deadline. This is hardly enough time for thoughtful public review and analysis of its implications on the proposed project. Further, both agencies suggest mitigation measures that were not analyzed in the FEIS or the DROD.

We suggest USFS take the time to incorporate and analyze mitigation strategies introduced by both biological opinions.

Stream channel mitigation over tailings

From Trout Unlimited comments on SDEIS (p. 13):

“A long-standing mantra for Midas Gold/Perpetua has been to “Restore the Site.” And while improvements are needed and necessary to repair historic mining impacts, the current SDEIS proposes to drastically increase the footprint of SGP with a project life span of 15-20 years. A full restoration of the site would leave behind a functioning hydrological system with groundwater connectivity. Studies show that groundwater upwelling and springs are an important attribute that helps anadromous fish key into spawning areas. The proposed reclamation of tributaries running through the site would entail building a large, lined trench over the top of tailings piles and then building a stream bed on top of this trench. Without connectivity to groundwater, this channel would become nothing more than a migration corridor if repopulated by trout and salmon.”

As it pertains to salmon and steelhead, mitigation measures and stream channel morphology post mining operations should be considered, at best, migratory habitat for anadromous fish and impacts to historic natal habitat evaluated as such.

Fish Tunnel

From Trout Unlimited Comments on SDEIS (P. 6)

“Upper streams will be blocked and inundated by millions of pounds of mine waste. The proposed, 1-mile tunnel is heavily relied upon to open up miles of habitat upstream of and around the mine that will supposedly compensate for the waste dump. The tunnel is highly engineered, has had a lot of money and good thought put toward its construction. But it is fraught with uncertainties and unproven success for Chinook salmon, steelhead, bull trout, and cutthroat. It is questionable that resident species of trout and salmon will use the tunnel when in operation. It is unclear where this has been verified to be successful for fish transport. Bull trout, for instance, have been known to not use short fish ladders that allow passage around water diversions, let alone a mile long tunnel.”

In its response USFS states (FEIS B-393):

“While it is correct that the success of the fishway tunnel would not be known until it is constructed and operated, the guidelines used in the design of the fishway tunnel follows both NMFS guidelines for fish passage as well as incorporated construction components affecting flow and velocity that meet the conditions needed for bull trout passage.”

From Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson–Stevens Fishery Conservation and Management Act Essential Fish Habitat Response (p. 286)

“Designs for the tunnel have been reviewed by NMFS’ fish passage engineer, and although it is suspected that the tunnel will pass all life stages of ESA listed salmonids, whether fish will actually use the tunnel and what the actual passage rate will be are both unknowns.”

Clearly, the efficacy of this tunnel will not be seen until construction of the tunnel is completed and operational. At such time, the project will be well underway and major design changes hard to implement.

While trap and haul efforts have been evaluated, they may not be effective. Impacts that would result from no fish connectivity through the site should be evaluated.

Climate Change

From Trout Unlimited comments on SDEIS (p. 5-6)

“For a variety of mine-related environmental changes, stream temperatures will increase up to 6.8 degrees C (12 degrees F). This degradation does not include the effects of climate change. High elevation, coldwater habitat is becoming increasingly rare throughout the Intermountain West. Climate models show that only the highest elevation habitats will support bull trout and westslope cutthroat into the future. These changes will surely affect anadromous species that inhabit the drainage as well. Long term effects of this temperature change could push already listed species further towards extinction. At a minimum, hundreds of generations of salmon and trout are likely to perish over time. Shading from plantings is supposed to bring temperatures down but only after 100 years. Even that could be an optimistic estimate considering the lack of growth media available for the project.”

In its response USFS states (FEIS B-392):

“The highest water temperature changes occur in Meadow Creek upstream from the TSF barrier between Mine Year 22 and Mine Year 27. Fish would not be able to access this reach, and therefore would not be affected by these high temperatures. Downstream of the TSF barrier, where there would be salmonid presence, water temperatures would be consistently lower than baseline conditions.”

USFS should reevaluate its climate models and cumulative impacts over time.

Decreased Habitat

From Trout Unlimited comments on SDEIS (p. 6)

“Habitat will be decreased and made less optimal for bull trout, salmon, and cutthroat. Decreased and suboptimal fish habitat will result from mining activities, despite claims of mitigations, including removal of passage barriers and an increase of lake habitat for bull trout. For bull trout, given their temperature sensitivity, they are losing in all aspects. Following closure and reclamation, there will be a "net decrease in both **quantity and quality** of habitat for bull trout and westslope cutthroat trout.” Even though the SDEIS states that there will be MORE habitat available for Chinook salmon, it will be considered “less optimal habitat.” Chinook may be temporarily or permanently displaced from several mine streams.”

In its response USFS states (FEIS B-393):

“As described throughout Section 4.12 of the SDEIS, access to available habitat would be increased as a result of the Project, and following restoration and enhancement activities, habitat conditions would improve. While not factoring in climate change, water temperatures are expected to regulate or even decrease over time.”

From Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson–Stevens Fishery Conservation and Management Act Essential Fish Habitat Response (p. 228)

“Adverse effects to DCH are likely to occur as a result of the USFS approving and the USACE permitting the SGP.”

This statement calls into question whether the Forest Service’s assumption that habitat conditions would improve during the life of the mine.