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Comments: Here are specific details of how the Midas DEIS has put the cart before the horse in their effort the permit the mine prior to consideration of all of the factors.

The Stibnite Gold Project Draft EIS is incomplete until a Section 106 of the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470) review is completed.

In 2002 the Boise National Forest (NF) conducted a historic buildings and structures inventory at Warm Lake. The purpose of the inventory was to identify and evaluate the historical significance of recreation residences in the area for purposes of inclusion in the National Register of Historic Places (NRHP).

In 2004, the Boise NF prepared a historic context statement for evaluating the NRHP eligibility of recreation residences at Warm Lake. The Boise NF consulted with the Idaho State Historic Preservation Office. The Warm Lake Recreation Residence Historic District, consisting of four residence tracts and fifty-five contributing residence lots, was found to be eligible for listing on the NRHP.

The historic recreation residences at Warm Lake are an important reminder of a unique era in Forest Service history. As such, Section 106 of the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470) requires federal agencies including the U.S. Forest Service to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the country. If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review must take place.

For the purposes of National Historic Preservation Act (NHPA) Section 106 compliance, the Forest Service must apply the criteria of adverse effect found in the Code of Federal Regulations at 36 CFR Part 800, "Protection of Historic Properties". Adverse effects include, but are not limited to, the introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features and adversely affect the historic property setting, feeling or association.

The Stibnite Gold Project will have a significant impact on the Warm Lake Historic District in terms of the ongoing noise created by heavy trucks traveling up and down Warm Lake Road and Warm Lake Summit. This will change the character, the feeling, the association and the setting of this important historic district.

The Boise National Forest must comply with and conduct a Section 106 review and include the public in the process. This must be completed before any Draft EIS is considered.

In addition, the Idaho State Historic Preservation Office, under Section 101(b) of NHPA, must comply with the State Historic Preservation Program to reflect the interests of the State and its citizens in the preservation of their cultural heritage. As such the Idaho SHPO must complete a full review of the impact of the proposed Stibnite Gold Project and involve the public in the process.