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Comments: Public Comment on Midas Stibnite Gold Project October 26, 2020

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I. Introduction:

I am a retired family physician/medical epidemiologist who has lived in McCall for the past 13 years. I was a commissioned officer in the U.S. Public Health Service for 27 years (1970-1997): 24 working in administration, public health and direct patient care for Indian Health Service, and 3 working as an Epidemic Intelligence Service (EIS) officer and preventive medicine resident at Centers for Disease Control and Prevention (CDC), Atlanta, GA. I worked for the Cancer Branch at CDC 1982-85 investigating the health effects of Love Canal and other Superfund sites. Since I retired in 1997, I have provided volunteer medical/public health service with the Cameroon Baptist Convention Health Services in West Africa once or twice a year.

II. My interests in the project and project area:

Since moving to McCall in 2007, I have hiked hundreds of miles in the Central Idaho Mountains, including some near Yellow Pine and Stibnite site. I want to ensure that this beautiful land is preserved for future generations, that the adverse environmental impacts left by a century of mining will be mitigated and that the proposed mining does not create new adverse environmental impacts. Two years ago I took a tour of the proposed Midas mine site which stimulated me to read parts of the Draft Environmental Impact Statement, to make comments, and to ask questions to ensure that if the Midas Stibnite Gold Project is finally approved, that Midas will comply with OSHA standards for its employees and that restoration measures will be implemented during and after completion of project activities to avoid or minimize adverse impacts on the human and natural environment.

III. My Concerns about the Midas Stibnite Gold Project

While Midas continues to assure the public that they are committed to the restoration of the Stibnite site and that the Stibnite Gold Project (SGP) is the only way to address the degraded water quality and threats to endangered fish, the DEIS clearly states that SGP will result in further degradation to the fish and water in the East Fork of the South Fork of the Salmon River (EFSFSR). I am concerned about the future health risks of mining and am focused on ensuring that adequate funding is available to restore these sites in such a way that public health risks are minimized and the ongoing contamination of soils, air, and waters is reduced below applicable limits. This is especially important for any mining taking place in areas adjacent to wilderness areas that drain into previously pristine streams, like the EFSFSR.

I have the following specific concerns and questions:

A. Designating the Stibnite site as a Superfund site. Section 3.7.3.3 Past Releases, Remediation, and Mitigation of the DEIS states: "In summary, the Stibnite Mining District was proposed for listing on the National Priorities List in 2001; however, no further action was taken by EPA to designate the Stibnite Mining District as a Superfund Site. Past mining activities have deposited metals, spent and neutralized ore, waste rock, and mine tailings over large portions of the site. Contaminants associated with past mining operations include heavy metals and cyanide in area soil, groundwater, seeps, and sediments. The IDEQ has monitored associated cleanup and site operation and maintenance activities." The Nez Perce Tribe has filed a lawsuit against Midas to mitigate this site and recently Midas has filed a lawsuit against the USFS to mitigate this site. The USFS, EPA, and others have already spent millions of dollars on the restoration of the Stibnite site and EFSFSR, which will be negated when the new mining begins. In my experience in mitigating Superfund sites, the cost is exorbitant and those responsible for the contamination pay most of the costs. As a CDC employee, in 1985 I worked on the

remediation of Love Canal in Niagara Falls, New York, one of the first Superfund sites, and the cost was over \$70 million in just one year. "The United States federal Superfund law is officially known as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The federal Superfund program, administered by the U.S. Environmental Protection Agency (EPA) is designed to investigate and clean up sites contaminated with hazardous substances. Sites managed under this program are referred to as "Superfund" sites. There are 40,000 federal Superfund sites across the country, and approximately 1,600 of those sites have been listed on the National Priorities List (NPL). Sites on the NPL are considered the most highly contaminated and undergo longer-term remedial investigation and remedial action (cleanups)" (See <https://en.wikipedia.org/wiki/Superfund>). EPA proposed that the Stibnite site be added to the Superfund NPL on 9-13-2001, but this was not achieved, presumably because the State of Idaho did not approve of the proposal to designate it as a Superfund site (<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.schedule&id=1000236#Milestoneone>). It is clear to me that Alternative 5 (no further mining) is by far the best alternative except that it does not include funding to complete the mitigation. If the Stibnite site is designated as a Superfund site, the US government will be obligated to provide funds to continue the mitigation. Funding may be available from the Nez Perce Tribe and other entities and the cost would be much less than mitigating the increased contamination that will occur with additional mining.

Can the Stibnite site be designated as a Superfund site?

If so, then Alternative 5 (no mining) would definitely be the best option rather than creating increases in water and soil contamination that would cost much more to mitigate. Even if one of the other alternatives is selected, it would still be helpful to have this site designated as a Superfund site as soon as possible. This would increase the likelihood that responsible parties would pay part or all of mitigation costs.

B. Determining the costs of surface water treatment in perpetuity. Alternative 2 clearly documents the necessity of establishing a centralized water treatment process to ensure that the treated water discharged would meet applicable water quality standards. Table D-2 in Appendix D states: "Midas Gold proposes that it or its designated contractor(s) will perform long-term maintenance as necessary, including maintaining and monitoring the Mitigation Area (including stream and wetlands) in perpetuity once the final performance standards are met or until such responsibility is relinquished to an appropriate third party (Forest Service, etc.) as approved by the USACE." (US Army Corps of Engineers)." Perpetual treatment would also require that power lines, power substations, and roads to the mine would remain in perpetuity.

This statement clearly indicates that Midas or its successor intends to have the USFS or other party assume the financial responsibility of water treatment as soon as possible. The Summitville Mine in Colorado required \$250 million of EPA funding to mitigate the pollution, including setting and maintaining a water treatment plant. The State of Colorado recently had to continue managing this plant at a cost of \$2 million of state funds annually in perpetuity. We can not permit this to happen at Stibnite.

See <https://www.denverpost.com/2018/07/10/colorado-summitville-mine-cleanup/>

Why does the USFS not have a methodology to cover the costs of water treatment in perpetuity? Why is this not analyzed in the DEIS? What is the USFS's rationale and justification for failing to present a methodology to cover the costs of water treatment in perpetuity?

C. Assuring that Midas or its successor will pay for the reclamation/restoration costs even if they file for bankruptcy. Because of the history of mining companies (especially Canadian companies) going bankrupt and not paying for reclamation, the USFS now mandates that the mining companies provide cash bonding or lines of credit to cover the estimated reclamation/restoration costs in full for any mines that are on USFS property.

2.3.3:16 Closure and Reclamation Financial Assurance (page 201 of the Executive Summary)

As part of the approval of a plan of operations for the SGP, the Payette National Forest Supervisor would require Midas Gold to post financial assurance to ensure that NFS lands and resources involved with the mining operation are reclaimed in accordance with the approved plan of operations and reclamation requirements (36

CFR 228.8 and 228.13).

Will Midas be required to post a cash bond to cover estimated reclamation/restoration costs for USFS land before beginning mining as specified in the executive summary?

Will the State of Idaho require Midas to post a cash bond to cover the estimated reclamation/restoration costs for the land privately owned by Midas before beginning mining? Or will Midas only have to provide a corporate guarantee?

Will the funds for reclamation/restoration be payable to the USFS and readily available regardless of the financial viability of Midas or its successor?

When will the amount required for the cash bond be determined and how will the public have an opportunity to comment on the methodology and the amount required, as well as any adjustment made over the course of the project?

NOTE: Laurel Sayer, CEO of Midas in the Star News Viewpoint published Aug 20, 2020, includes a statement: "We will set aside funds necessary for reclamation before any mining activity begins." This needs to be clearly stated in the Record of Decision and should include the cost of mitigation in perpetuity, including the cost of the water treatment and support services required.