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Comments: As a retired career United States Forest Service (USFS) employee, I am submitting these comments on the Draft Environmental Impact Statement (DEIS) No. 20200165, addressing Midas Gold Idaho, lnc.'s Stibnite Gold Project in the Payette National Forest and portions of other forests under your administrative authority.

I have served in several positions with the USFS, most recently the senior locatable minerals program lead for the Washington Office Minerals and Geology Program Management team. I am currently a Certified Review Mineral Examiner with both the Bureau of Land Management (BLM) and USFS. I served as the chairperson of the USFS Mineral Examiner Certification Program from 2001-2012 .. I understand the NEPA process well having been involved with it throughout my career. I also am very familiar with the USFS' surface management regulations for locatable minerals at 36 CFR Part 228 Subpart A.

I retired from the Forest Service in 2012 and opened up a consulting company that provided assistance for permitting exploration and mining operations on USFS and BLM administered public land. I've seen the permitting process from "both sides of the fence". I have been aware of the Stibnite area before Midas Gold became involved and have physically been to the site on numerous occasions, so I am familiar with the site and its current conditions. Please accept and consider my attached comments on the DEIS in your analyses of the project.

The DEIS is required because of the potential impacts of the project to National Forest system lands. The DEIS meets the requirements of the National Environmental Policy Act (NEPA) as the on-line reading room provides a full complement of supporting documents. I appreciate the Forest's efforts to make this information readily available during this period of social distancing due to the COVID-19 pandemic. The DEIS thoroughly outlines the company's proposed action and contains a comprehensive study which discloses existing environmental "baseline" conditions, the potential effects of the company's proposed action, alternatives, and the effects of the proposed mitigation measures. I urge you to adopt Alternative 2 as the preferred alternative for the project because it provides the maximum amount of environmental protection, is reasonable and consistent with both the USFS's Purpose and Need and the operator's rights to develop their mineral deposits under the 1872 General Mining Laws, USFS regulations and other applicable laws, regulations and authorities. The additional changes and mitigation measures outlined in Alternative 2, a modification from the original proposal (listed as Alternative 1 in the DEIS) reduce impacts in a number of resource areas and provide additional mitigation measures that warrant its selection.

My comments below reflect my experience managing USFS minerals projects in the field and programs at the Washington office level. Please feel free to contact me should you desire to discuss any of the components of my comments at the contact information provided.

Adequacy of Scoping

Public scoping for the project started in July 2017 and the DEIS was released in August 2020, roughly 3-years later. In the intervening time, there were at least 4 public meetings on the project; two in the Boise area and two in the surrounding communities. The USFS' scoping activities have provided the public and stakeholders with ample time to gather information on the project during that period. The Notice of Intent to Prepare an EIS (NOI) and the availability of the DEIS were appropriately advertised and the extensions of the comment period provide ample time for stakeholders to review and prepare comments on the DEIS. I note the project timelines have been extended several times since the original DEIS NOi and would urge you to adhere to the current timeline because it is more than adequate. With the most recent comment period extension, the public has a full 60%

more time to comment on the DEIS than what NEPA requires. The web portal provides easy access to the DEIS and supporting documents, so further delays in the comment period part of the NEPA decision making process should not be warranted.

The Forest has an obligation to complete the analysis and make a decision in a timely fashion and I urge you to provide whatever resources necessary to reach that goal without further delays and extensions. Having worked in the Washington Office, I know that if you require additional resources for processing a locatable minerals Plan of Operations (PoO) they can detail in staff and provide additional assistance as required to keep things rolling.

If necessary, please contact them and ask for that help if you have not already done so. Likewise, the company has been providing tours, open houses, webinars, and has an open-door policy that goes beyond the basics. They have made themselves available to community groups, even those that oppose their activity, showing they understand the need to provide transparency about their project. I have personally attended some of their presentations and found them balanced, objective and informative. The company is open and transparent about their plans and proposed activities for the Stibnite Gold Project, and you should consider this should there be requests for further extensions by groups that oppose the project since they have the same access to Midas staff and their web site and public open houses as anyone given their open door policy.

Adequacy of Alternatives

The project proponents have done an excellent job of a first pass evaluation of the possible alternative ways to develop the project into an environmentally sound mine and the DEIS further covers items not addressed in their project development studies. Their PoO (they aptly called it a Plan of Restoration and Operations or PRO) has an entire appendix (Appendix G) which objectively describes the design criteria and trade-offs they conducted as part of their pre-PoO efforts. Their studies evaluated nearly all aspects of the project and this should be the backbone of your decision-making process because their analysis is thorough, balanced and accurately describes the pros and cons of each of the project's major components, and the "why" of their proposed actions using recently collected data from independent contractors.

As you know, NEPA requires the agency to review all reasonable technically and economically feasible alternatives; but the 36 CFR 228A regulations require that the Forest Service consider the operator's rights to develop their mineral deposit(s) under the General Mining Laws, the Multiple Use Act and other authorities. The Forest Service's role is to ensure reasonable and necessary uses of National Forest System lands and that adverse environmental impacts to USFS managed surface resources, where feasible, are minimized. These legal directives do not to dictate how to mine the proponent's ore deposits. I urge you to select Alternative 2 of the DEIS for the FEIS and ROD because it builds in some additional components that are positive and reduces impacts compared to the original proposed action (Alternative 1). By reducing impacts, Alternative 2 best satisfies the mandate at 36 CFR 228.8 to avoid or minimize adverse environmental impacts on Forest System lands.

Reclamation and Restoration Components

The storied, long history of mining at Stibnite spanning a period of nearly 100 years has left the site and the surrounding area with substantial and, unless addressed, likely lasting environmental impacts. The construction of an extensive road network to the site, the

mines themselves, a large and long lived townsite, a major hydroelectric plant and ancillary facilities, and stream diversions as well as former logging and fires have severely impacted the environment and the ecosystems in the area. The aerial extent of the damages here is larger than typical forest-managed timberland or aquatics restoration projects and it seems unlikely that the site will change character in a positive way without intervention in a major way.

The level of earth moving work and costs required to reestablish fish passage, closed off by the Yellow Pine Pit which interrupted flows in the East Fork of the South Fork of the Salmon River since the 1930s, are likely cost prohibitive for the USFS to independently pursue. In addition to being well beyond typical forest-level activities, it is worth applauding the project proponent for their effort to incorporate extensive mitigation and rehabilitation activities into their operating plan. Typically, these activities are dictated by the land management and cooperating agencies, but here, Midas made the effort to include these actions in their plan right up front. The DEIS notes that the proposed wetlands mitigation plan offers a net gain of almost 350 wetland functional units, a measure of wetland ecological health and viability, which represents a 40% increase to today's levels (DEIS, Appendix D, Table 8-2).

Blowout Creek Restoration

The proposal to address the former hydropower reservoir sediment fan known as Blowout Creek, one of if not the largest contributor of sediment to the river system in the area, is to be commended. Regardless of whatever preferred alternative you select, I recommend you ensure this component is included. This reservoir is on public land and the Forest has never had the resources to address this mess since the old reservoir dam failed in 1960s. Arguments that Midas will make the site worse are baseless since they have offered to clean up and rehabilitate this disaster with their own money as part of their operations - and after 60 years it doesn't appear the Forest has the resources and/or funding to do it anyway.

Fish Passage Tunnel

Midas Gold's proposal to route the existing river into a tunnel is not only innovative, but their willingness to reconnect fish back into the upper watershed early in the mine life (clearly not the most economical choice for them) demonstrates their commitment to go the extra mile to mitigate and improve site ecological conditions. The fish passage blockage in the area has been present since the late 1930s, and mining ceased in the former pit where the river now flows in the early 1950s. This means there has been over 50 years of inaction in addressing the fish passage issue, and it is high time it gets accomplished. Restoring fish passage is a central part of their project and given that no other party has been willing nor had the financial resources to provide the solution after all these years suggests this is the right course of action. In other areas in the inland and pacific northwest, Federal and State agencies are spending billions of taxpayer dollars to restore fish passage in and around old dams, replacing culverts, fixing bridge abutments, etc. This is perhaps a once in a generation opportunity for private capital to do the same and that should be a priority for the Forest.

Midas has developed a plan integrated into their mine proposal to address this and to do so with private money and ultimately ending up post-closure with increased riparian habitat and restoring anadromous fish passage to over 25 linear miles of upstream habitat. This is a project the forest should support whole heartedly and with great vigor.

Abandoned Mine Site Issues

The Stibnite mine site is a typical abandoned mine site - miners left the site once they completed operations decades ago, prior to development of federal and state environmental laws (1970s and later), surface management and reclamation regulations (1974), and financial assurance requirements (1980s). In the case of Stibnite, much of the mining and development occurred under Federal government World War II and Korean

War production management. Impacts including high levels of arsenic and antimony have been noted in the DEIS and supporting documents. There is little doubt much of this is from contamination and not natural levels and requires action to remedy.

However, because this is a highly mineralized area, natural backgrounds for these same metalloids are undoubtedly higher than surrounding areas. I urge you to give careful consideration to what actual background geochemical conditions are in these highly mineralized areas as the USFS and cooperating agencies establish thresholds for compliance during and post-operations for the operator's permits. It is unrealistic, and in fact inconsistent with laws and regulations, to expect the operator to make water quality in the area better than its natural background conditions, and likely impossible to do so using reasonable technologies for a remote site such as Stibnite. This is always a difficult task at former mine sites, but Midas has provided nearly half a decade of water quality data covering the area of proposed activity and the surrounding area, and it should be possible to predict what conditions were like prior to mining. Those should be the target for compliance, not an arbitrary water quality standard that does not take into account the naturally occurring high levels of arsenic, antimony, and other constituents in the areas' rocks, soils, sediments and waters.

Along these same lines, there are extensive piles of rock, tailings and other disturbance left over from former mining and processing operations throughout the area. In their proposed action, Midas has attempted to lay out their facilities in these areas so as to not unnecessarily disturb additional ground. This is to be applauded, but similar to the fish tunnel, I doubt very seriously these decisions were the most economical choices for Midas, but were done to minimize adverse impacts - exactly what the 36 CFR 228 Subpart A regulations require. Included in that decision will be the clean-up of many if not most of these former legacy mine waste piles that are the causes of many of the site's environmental issues as part of the development, operations and closure plan [ndash] things that were not done in the past because the operators had not planned to do these things during or after operations - nor were they required to in the pre-regulation era. It is clear Midas Gold developed their PoO with an eye towards a sustainable mine closure. In addition, they have operated on site for over a decade without any major environmental incidents to my knowledge, demonstrating their ability to deal with the challenges of the remote former mine site successfully. Via their plan of operations, Midas Gold will address critical legacy areas long in need of major repairs. As a product of a responsible mine plan, Midas Gold will confront site contamination created by others decades ago, and it is your duty to see to it that they can move forward with their proposed action.

I understand the site and past operators have been the subject of several past CERLCA (Superfund) Consent Decrees aimed at dealing with legacy impacts. Since the last Consent Decree in 2012, no further CERCLA cleanup action has been undertaken, but as Chapter 3 of the DEIS shows, many of the major water quality issues remain. Midas, in their public meetings, on their web site and in their filings, acknowledge these issues and have squarely addressed them, for example, through their plan to reprocess tailings in the Spent Ore Disposal Area (SODA) . Given no other party has stepped forward, that the EPA has agreed that no further action under CERCLA should be taken against the major responsible parties (including the USFS and Department of Defense, among others), and after decades of failure to address the former reservoir dam breach site, the unlined legacy tailings sites and other impacted site features, it is time to get the job done.

Preferred Alternative

The DEIS did not include an agency preferred alternative which is surprising given the extensive efforts made by Midas to develop a comprehensive plan in compliance with laws and regulations, and the obvious benefits in their original plan and the Alternative 2 developed to address issues raised during scoping and additional analysis compared to the status quo No Action Alternative. I strongly recommend you select Alternative 2 as the Agency's Preferred Alternative for the Final EIS and the Record of Decision because it meets the requirements of the law, USFS regulations and has all around the best benefits for USFS resources. I specifically want to call out two components of the project proponent's plan (in Alternatives 1 and 2) that I believe warrant your approval.

First, the company's proposed access route (Burnt Log Road - Alternatives 1, 2 & 3) to the site is clearly a better choice from a public and operator safety, wetlands impacts, slope stability and watershed protection standpoint than the steep gradient Johnson Creek and Stibnite-Yellow Pine road (Alternative 4). Additionally, the

Burnt Log Road keeps mine truck traffic away from residential areas. Both the Johnson Creek Road and StibniteYellow Pine Road run parallel to major fish bearing streams unlike the Burnt Log route. Most of the proposed route along the Burnt Log road is an existing road and, although I know it is the practice of the Forest Service to frown on new road construction, the benefits of the small road extensions to complete this route to the site are far exceed the impacts. Plus, the new road segments would be reclaimed and restored after mine closure so the impacts would be temporary anyway.

The company presented a matrix outlining the pros and cons of the various road routes to the site in their Appendix G (pp. G81-G89), and I urge you to consider the factors they noted in that review in your decision. Arguments that the use of this road will somehow impact the adjacent wilderness and roadless areas are no different than the use of the Stibnite-Yellow Pine route since that road also is adjacent to wilderness and roadless areas. In fact, much of the Burnt Log Road is already there and used extensively. Furthermore, as you know, the Idaho Roadless Rule does not apply to locatable mineral activities and roads providing reasonable access to those activities.

The existing road system (Johnson Creek- Stibnite Roads) to the site, while used in the past, is unsuitable for long-term use in a modern mining operation. It is narrow, has tight switchbacks, locally steep grades, parallels an anadromous fish bearing river, and lies within the floodplain along much of its length. This road was constructed to access the mine site to facilitate rapid development of the site's critical minerals (antimony and tungsten) for the war effort with private and federal dollars. The goal was rapid ingress and egress, not an ecologically friendly road route. The existing road system, even if improved, would entail significant wetland and riparian area impacts and major earthmoving next to the floodplain for tens of miles.

But more importantly, this road system is unsuitable from a safety standpoint. Long-term use for a large mining operation would pose greater risks of landslides, rockfalls and avalanches that could endanger traffic entering or departing the site. The risks of spills to the adjacent waterways would increase due to these types of natural events which are hard to mitigate and nearly impossible to predict. The Burnt Log Road alternatively, lies at much higher elevations over the majority of its length, crosses creeks at safer high angles instead of paralleling them and is less prone to unpredictable geohazards. The company presented a roads analyses in Appendix G (Section 8.1.1, pp. G81-G89) and it is essentially duplicated in Section 4.16 of the DEIS.

Also, the company developed a public access option after public scoping and input from stakeholders through the mine site which is included in Alternative 2. This is another example of the company's willingness to show flexibility to accommodate the needs of local residents, recreationalists, tribal users and other stakeholders. I doubt very seriously that this is the most economical choice for them and reflects their willingness to work with the local community to facilitate their needs and modify their own plans, even when such modifications are less beneficial from the economics standpoint.

Secondly, the company developed a plan to place their proposed tailings storage facility in the area of the existing unlined legacy tailings and SODA. By contrast, Alternative 3 describes placement of the new tailings storage facility in an unimpacted portion of the East Fork of the South Fork of the Salmon River. I urge you to select the company's proposed tailings storage site versus the East Fork site given the information and reasons cited in the company's PoO in Appendix G (the matrix in Section 8.3.5, pp.G51-G55).

Midas provided an alternatives matrix discussing the pros and cons of various sites for tailings disposal in their Appendix G (PRO, Section 8.3.5, pp. G51-G55) using a common sense approach looking at geotechnical stability, access, economics and environmental impacts, and selected their proposed site using their design criteria. A significant loss of a legacy feature cleanup opportunity would occur should the East Fork tailings site (Alternative 3) be selected. The former tailings from the WWII era and the spent heap leach ore placed on top of it in the 1970s-1990s would remain in an unlined state rather than excavated, reprocessed and reused, thereby removing a potential contributor to poor water quality. The proposed site is surrounded on three sides by solid

bedrock walls and the proposed dam site would be in an ideal location versus the East Fork site which would require significant new disturbance in an unimpacted area.

Critical Minerals

On June 12, 2020, the Secretary of Agriculture sent an instructional memorandum to the Chief of the USFS that included among other things, guidance to improve the permitting process for projects that would help reduce the country's reliance on critical minerals: " ... I am directing the Forest Service to focus resources on activities that support the productive use of these lands to deliver goods and services efficiently and effectively to meet the needs of our citizens. The Forest Service will:

[bull] streamline processes and identify new opportunities to increase America's energy dominance and reduce reliance on foreign countries for critical minerals;

[bull] modernize management practices and reduce regulatory burdens to promote active management on Forest Service lands to support and protect rural communities, critical watersheds, and species habitat; ... "

This Secretarial memorandum and Executive Orders (Executive Order 13817, signed December 20, 2017), A Federal Strategy To Ensure Secure and Reliable Supplies of Critical Minerals) and Executive Order on Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries (EO 13953, Signed September 30, 2020) provide guidance to all agencies to find ways to address the Critical Minerals supply chain issues and I ask that you review the pertinent sections in these documents to assist you, your staff and cooperating agencies to ensure you utilize all available authorities to expedite the processing of the Midas Plan of Operations through the NEPA and permit process.

The site is a major past producer of antimony, a metalloid with numerous industrial and military uses and is formally listed as a Critical Material by the U.S. Geological Survey. Antimony is used extensively in military munitions, and as a former member of the military, I can attest to the need to have domestic sources for these important contributors to domestic security lest we enter into another global scale conflict. A properly managed mine administered proactively under the 36 CFR 228A regulations can help provide a source for antimony outside of countries that are foreign adversaries and not aligned with our Nation's interests (China and Russia and its allies) and currently dominate the world's supply chain.

Claim Validity and Ancillary Use

There has been recent litigation regarding mine operations on USFS managed public lands. The presence or absence of a mining claim or mill site is not relevant to the USFS's determination of whether the lands can be used for the proposed mining and ancillary facilities authorized under the mining laws. Under the Surface Resources Act of 1955 (30 U.S.C. [sect] 612), the agencies must evaluate whether the proposed land use is reasonably incident to prospecting, mining, or processing and complies with the applicable environmental protection mandates which Midas Gold's proposal clearly does. The agencies have formal guidelines and procedures for evaluating the reasonableness of a proposed use (whether on or off of claims) and its compliance with 30 U.S.C. [sect] 612. As Certified Review Mineral Examiner I have been called many times to examine proposed operations so it is an area of special expertise on my part. The USFS manual and handbook provide clear guidance to minerals administrators and line officers in charge of locatable minerals operations. Expending valuable resources and precious staff time to conduct unnecessary claim validity inquiries takes those funds and the staff away from more appropriate tasks and does not provide information that is relevant to the USFS' decisionmaking process.

There was considerable confusion created by the 2001 DOI Solicitor's Ancillary Use Opinion, which required the land management agency (Forest Service or BLM) to determine claim validity prior to approving a Plan of

Operations. This Opinion was contrary to well established practice and case law. Subsequently, the Under Secretary of DoA released an informational memorandum on September 22, 2003 to the Chief of the Forest Service stating: "The Forest Service is not required to inquire into claim validity before processing and approving proposed plans of operation." In 2005, a Solicitor's Opinion entitled "Legal Requirement for Determining Claim Validity Before Approving a Mining Plan of Operations," (M-37012) reached the same conclusion and clearly established that BLM can conduct a claim validity determination on any mining claim at any time up until the claim receives a patent under Section 29 of the Mining Law but a claim validity determination is not required prior to approving a Plan of Operations. In Solicitor's Opinion M-37057 dated August 17, 2020, the 2003 and 2005 Solicitor's Opinions were confirmed.

Please take my comments into consideration and select Alternative 2 as the preferred alternative for the Final EIS and ROD. I also urge you to continue to find additional ways to work with the operator as the project permit process advances to find ways to enhance the project in ways that could further minimize and mitigate impacts where feasible and reasonable and within the scope of the 36 CFR 228A regulations. Finally, please complete the NEPA and USFS decision making processes for this important project as soon as possible so the environmental and economic benefits can become a reality in the near future.

My 32 years of experience working for the federal government and my 8 years working in the mineral industry has reinforced the idea that often the best way to clean up an old mine is with a new mine.