Data Submitted (UTC 11): 10/21/2024 2:33:09 AM
First name: Melissa
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Organization:
Title:
Comments: RE: Stibnite Gold FEIS #19273; Forest Supervisor Matt Davis, Payette NF Lodging an Objection to the Stibnite Gold Final EIS (due before October 21, 2024)

I am writing in opposition to the proposed Stibnite Gold Project (Perpetua Resources). Below are my objections to the proposed Record of Decision and Final EIS. I ask you to reject both alternatives and choose the NO Action alternative. I further ask you to find the FEIS and ROD invalid for not complying with the Forest Service's duty to consider and respond to all public comments.

As stated in my Comment Letter #19273, 1/10/2023, ". . . the South Fork of the Salmon River watershed is within the aboriginal territory of the Nez Perce Tribe. SDEIS 3-506. In considering whether Perpetua Resources has the right to conduct mining activities at Stibnite, the Forest Service must ensure that any assumption-whether correct or incorrect-regarding Perpetua's mining rights does not cause it to shirk its solemn trust responsibility to protect the Nez perce Tribe's treaty-reserved resources, including the ability to access and harvest those resources. See United States v. Winans, 198 U.S. 371, 381-82, 384 (1905) (enjoining recalcitrant owners of a federal land patent from limiting physical access to Yakama fishermans' usual and accustomed fishing places as well as from operating fishwheels permitted by state authorities that interfered with the ability of salmon to travel upstream).

"In response to my comment, the FEIS at Appendix B-745-748 responds: "regarding potential long-term environmental impacts, ecological integrity, and the well-being of potentially affected communities are valid and important to consider. During the decision-making process, the Forest Service will seek to identify the best possible balance between environmental protection, community needs, and sustainable forest management."

It seems odd that the legally required findings do not mention any treaties between Tribal nations and the United States. The Forest Service FEIS did not adequately respond to my comment. According to the FEIS on pg. 1-31, "Changes from the SDEIS to the Final EIS", nothing has changed from the SDEIS to the FEIS regarding my comment and my comments are still valid.

Additionally, as stated in my Comment Letter #19273, 1/10/2023, "whitebark pine is now listed as a threatened species under the Endangered Species Act. According to the SDEIS, "[t]he 2021 MMP would remove an estimated 259 acres of occupied whitebark pine habitat (12.5% of occupied habitat in the analysis area), totaling 1,236 trees (23 would be mature, cone-bearing)." (SDEIS, at ES-16). The Forest Service must ensure these counts are accurate and must ensure these counts include areas that may be affected by any avalanche control work necessary to maintain safe mine site ingress and egress. Control work may artificially trigger avalanches that take whitebark pine, which the SDEIS does not appear to consider at all."

In response to my comment, the FEIS at Appendix B-745-748 responds: "regarding potential long-term environmental impacts, ecological integrity, and the well-being of potentially affected communities are valid and important to consider. During the decision-making process, the Forest Service will seek to identify the best possible balance between environmental protection, community needs, and sustainable forest management."

This is inadequate because the Forest Service FEIS did not adequately respond to my comments and according to the FEIS on pg. 1-31, "Changes from the SDEIS to the Final EIS", nothing has changed from the SDEIS to the FEIS regarding my comment and my comments are still valid.

In my comment letter #19273, 1/10/2023, I wrote, "The South Fork of the Salmon watershed is habitat for Chinook salmon, steelhead trout, and Bull Trout-all listed as threatened species under the Endangered Species

Act. Approving a mine that degrades the habitat of these fish for the next century or more is not in the public interest and certainly cannot be justified by assuming Pereptua has rights under the United States mining laws. (SDEIS p. 4-386) (noting that impacts to fish will come from many different sources, including direct loss of habitat, increased stream temperatures, and hazardous spill risk).

"Notably, decreased and suboptimal fish habitat will result from mining activities. And in fact, according to the SDEIS at ES-15, "predicted temperatures [would] return to existing conditions over a period of approximately 100 years." This does not appear to account for climate change. Indeed, nothing in the SDEIS even attempts to quantify the effects of climate change on predicted stream temperatures after mining activities cease. Moreover, it appears that if stream temperature mitigation plans fail-even just a little bit- "stream temperatures downstream of the Yellow Pine pit area could also be greater than existing conditions." SDEIS 4-281. Bull trout, in particular, given their temperature sensitivity, would face even greater loss of habitat if this is indeed the case. The Forest Service must disclose what creates this uncertainty in the mitigation measure because without it there would appear to be destruction or adverse modification of a listed species' habitat that is far greater than what the SDEIS concludes."

In response to my comment, the FEIS at Appendix B-745-748 responds: "regarding potential long-term environmental impacts, ecological integrity, and the well-being of potentially affected communities are valid and important to consider. During the decision-making process, the Forest Service will seek to identify the best possible balance between environmental protection, community needs, and sustainable forest management."

This is inadequate because the Forest Service FEIS did not adequately respond to my comments and according to the FEIS on pg. 1-32, "Changes from the SDEIS to the Final EIS", nothing has changed from the SDEIS to the FEIS regarding my comment and my comments are still valid.

The remedy for these violations is for the Forest Service to withdraw the FEIS and DROD and not issue any decision or take any action based on the inadequate FEIS. The Forest Service must not take any action until a revised FEIS and revised DROD demonstrate full compliance with each and every law, regulation, policy, Treaty, and requirement noted. The Regional Forester must withdraw the FEIS and DROD with instructions to the Payette National Forest to correct all errors noted before approving or taking any actions.