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Comments: Introduction

I am a U.S. Forest Service retiree, having enjoyed a 24-year career working as a Bureau of Land Management and Forest Service Geologist. I spent the last 12 years of my tenure as Assistant Director, Minerals and Geology Management in the Washington, D.C. office of the Forest Service. During this time, I was involved in all aspects of multiple-use resource and ecosystem management planning. As a geologist my primary emphasis included ensuring that commodity development such as gold, sand and gravel, dimension stone, hardrock, coal, oil and gas and other minerals was done in an environmentally sound manner and in accordance with the laws and regulations of the United States. I started the Forest Service National Minerals Training Office and was responsible for the budget, prioritization of training, and supervision of the Training Office Staff. I was responsible for development of national reclamation standards for mining activities. I have worked with Congress and the American mining community on legislation and regulations affecting the supply of mineral resources. I have testified before Congress on legislation affecting the Forest Service.

I have initiated and coordinated technical assistance to Venezuela and have worked with the governments of Bolivia, Suriname, Costa Rica, Guatemala, and the Republic of Georgia. I have coordinated my activities with the U.S. State Department, Interamerican Development Bank, United Nations Development Programme, and non-government organizations.

I have served on many multiple-disciplinary planning teams for projects such as timber cutting, grazing, and construction. I was team leader for the U.S. Forest Service to develop policy and standards for mineral activities effecting streams with anadromous fisheries.

I have performed mining claim examinations involving gold, silver, copper, lead and zinc, bentonite, calcium carbonate, building stone and millsites.

I am especially interested in Midas Gold Idaho Inc.[rsquo]s (Midas Gold[rsquo]s) proposed Plan of Restoration and Operations (PRO) for the Stibnite Gold Project in Valley County, Idaho because I have been

to Stibnite and have some first-hand knowledge about the legacy issues at this site. (Expert Report and Deposition, Mobil Oil Corporation v. United States (No. 99-1467-A, E.D. VA). It is from this perspective that I am providing the following comments on the Draft Environmental Impact Statement (DEIS) that the Payette and Boise National Forests published in August 2020.

The PRO Would Achieve Near-term and Long-term Environmental Improvements

The environmental restoration measures that are an integral part of Midas Gold[rsquo]s PRO would start improving the Stibnite site right away once the project is authorized and construction starts. Two of the early measures, the temporary fish passage tunnel and removing legacy mine wastes, will achieve significant environmental improvements in the first several years of the project[rsquo]s life.

The temporary fish passageway tunnel that will be built during Years 1 [ndash] 3 to divert the East Fork South Fork Salmon River (EFSFSR) around the perimeter of the Yellow Pine pit will enable salmon and other fish to migrate upstream past what is currently the cascade down the pit highwall for the first time in 80 years. There are no compelling engineering or mining reasons to construct this passageway for the fish. Midas Gold could simply build a conventional stream diversion channel around the pit to support their mining activities. Instead, they have

proposed this extraordinary dual-purpose tunnel to achieve their objectives to divert the river around the pit so it can be mined and at that same time enable fish to migrate upstream to native spawning grounds in the upper reaches of the EFSFSR.

When mining of this pit is completed in about seven years, Midas Gold will backfill the pit and rebuild the EFSFSR channel across the backfilled pit which will permanently reconnect the EFSFSR and restore the fishery. The temporary and permanent measures to restore the EFSFSR fishery will create immediate and enduring benefits that would not otherwise occur without Midas Gold[rsquo]s PRO.

Similarly, the proposed removal in Alternatives 1, 2 and 4 of the 10.5-million ton pile of old tailings and spent ore in the Meadow Creek Valley would effectively eliminate these wastes as an ongoing source of arsenic, antimony and other contaminants that are degrading water quality in the EFSFSR drainage basin. These materials would be removed during site construction to build the tailings storage facility (TSF). I[rsquo]ll add that placing the TSF in the Alternative 3 location in the EFSFSR would not remove these mine wastes or eliminate them as a source of future contaminants into the watershed. Alternative 3 thus seems like a grossly inferior alternative for environmental reasons.

Midas Gold[rsquo]s PRO includes many other environmental restoration measures that will be implemented throughout the project[rsquo]s operational life and during reclamation. The PRO represents a sitewide approach to addressing the many legacy environmental problems at the site. In the roughly 20-year project life, the PRO will repair the problems from more than a century of mining conducted before there were any environmental regulations. As such, the PRO is an extraordinary opportunity that will benefit the environment, Idahoans, the Idaho tribes with rights and interests in this land and the EFSFSR fishery, and the Nation [ndash] at no expense to taxpayers.

Without the PRO, Environmental Restoration will Take Years and May be Incomplete

The future at Stibnite looks very different without Midas Gold[rsquo]s PRO. Instead of a private-sector financed comprehensive cleanup project integrated with a modern mining operation, the site would probably not be developed or cleaned up. Instead, it is likely that the site would be added to the EPA[rsquo]s long list of National Priority List (NPL) sites waiting for a Potentially Responsible Party (PRP) to pay the remediation costs.

Besides the obvious problem of having to wait for years [ndash] maybe decades [ndash] for the site to be remediated, there are no identified PRPs at Stibnite. In 2012, a Consent Decreei between EPA and several other federal agencies including the Department of Defense and the Forest Service relieved those agencies of remediating responsibility of the site. The Consent Decree identified specific federal agencies but not the [ldquo]federal government[rdquo] in general that still have CERCLA liability despite the fact that many of the legacy problems were created during World War II and the Korean War when the federal government was involved with mining tungsten and antimony at Stibnite.

In the absence of any identified PRPs, taxpayers will someday be responsible for paying to restore Stibnite. Realistically, the site could remain in its current degraded state for many years if Congress or Idaho State Legislators cannot appropriate cleanup funds due to higher priority needs. Given current economic conditions due to the pandemic and the likely ripple effect this will have in the future, it could be many years before the economy recovers to a point where lawmakers are in a position to start appropriating funds for environmental cleanups [ndash] at Stibnite or elsewhere.

If and when a taxpayer-funded cleanup effort takes place in the future, it may not be a complete restoration due to funding limits. That[rsquo]s what happened in the late 1990s and early 2000s when the Forest Service undertook some focused but limited remediation work to address specific problems. Although these piecemeal measures resulted in some improvements, they were constrained by available funding and left the site in its

current condition. The same thing may happen in the future with taxpayer-funded measures achieving only a partial solution.

Superfund cleanups are notoriously slow due to the bureaucratic structure of the Superfund and the numerous steps and years of study that must be completed before on-the-ground cleanup work can begin. Even at NPL sites with PRPs that have the financial resources to pay for a cleanup pursuant to the Superfund, it can take many years (sometimes decades) before meaningful remediation work begins.

In the big picture, there are two very different potential outcomes at the Stibnite:

1. If the Forest Service authorizes the PRO with appropriate environmental stipulations, mitigation measures, and financial assurance, Midas Gold would undertake a 20-yearlong sitewide remediation effort concurrent with a highly regulated mining operation that will start with some immediate work that will significantly improve the environment; or
2. If the Forest Service does not authorize the PRO, the site would remain in its current degraded state, which may worsen with time, until taxpayer monies perhaps become available someday to address some or all of the problems. (The No Action Alternative).

Although I realize that Midas Gold[rsquo]s rights under the Mining Law preclude the Forest Service from categorically rejecting the PRO, it is nonetheless instructive to frame these starkly different outcomes and the Forest Service[rsquo]s decision options in this context.

With this in mind, I recommend that the Final EIS contain a more detailed and expanded discussion of the No Action Alternative to more thoroughly describe the environmental problems that would remain and persist into the foreseeable future under the No Action Alternative. A more complete disclosure of the long-term environmental problems that would result from the No Action Alternative would explain that perpetuating the environmental degradation that is currently occurring at the site due to previous, pre-regulation mining would not be consistent with the Forest Service[rsquo]s mandate to protect the environment in the National Forests.

In fact, I think an argument could be made that the No Action Alternative would also be inconsistent with the mandate in 36 CFR 228.8 that locatable mineral projects must limit adverse impacts. Although this mandate is typically viewed through the prism of creating obligations for the project proponent, I believe in this case it could also be read as a requirement for the Forest Service to minimize adverse impacts by authorizing the action alternative in the PRO that would produce the most environmental benefits and has the fewest disadvantages.

As mentioned above, the TSF location in Alternative 3 would eliminate the benefits associated with removing the legacy mine wastes and constructing the TSF in the Meadow Creek valley location in Alternatives 1, 2, and 4. Another reason not to select the Alternative 3 TSF location is its position relative to an identified landslide, which makes this a riskier place to build and operate the TSF. The avalanche and landslide risks along the different transportation routes in Alternative 4 and the proximity of these roads to area streams make this a less desirable alternative. That narrows the choice down to Alternatives 1 or 2. Alternative 2 appears to be the best choice because it includes several environmental enhancements compared to Alternative 1.

If public comments on the DEIS identify other mitigation measures and beneficial project modifications, the Forest Service may wish to incorporate them into its Agency Preferred Alternative. Of course, I realize the Agency Preferred Alternative could be a hybrid that includes components from some or all of the project alternatives.

I very much appreciate this opportunity to present comments on the DEIS. I believe the Stibnite Gold Project holds great promise for the area. I thus hope the Forest Service approves the project as quickly as possible so the environmental restoration work can begin in the near future and people can be put to work.

i United States of America v. Bradley Mining Company, Case No. 3:08-CV-05501 TEH (N.D. Cal.) (Consent Decree filed April 19, 2012). CERCLA response cost contribution protection was extended to [ldquo]Settling Federal Agencies,[rdquo] defined as the United States Department of Agriculture, United States Department of Defense, United States Department the Interior, EPA, and the General Services Administration.