

## **Stibnite Settlement with Midas: A Bad Deal for Idahoans**

On a Friday afternoon, less than a week before President Biden took office, the Trump Environmental Protection Agency (EPA) and the U.S. Department of Agriculture quietly signed a Settlement Agreement under the Superfund law with Midas Gold to address ongoing pollution from a small fraction of historic mine waste at the Stibnite Gold Project site. Midas Gold's heavy-handed political lobbying efforts and pressure on government officials was successful in expediting the approval of this Agreement before the EPA regional administrator left office. The Agreement was signed with no public comment, and no support from the Nez Perce Tribe or our community. This Agreement allows Midas Gold to escape liability from Clean Water Act violations and paves the way for construction of the mine.

The Superfund law was passed 40 years ago in response to national concern about the release of hazardous chemicals from abandoned waste sites. EPA uses settlement agreements with "potentially responsible parties," like Midas Gold, to address, without judicial intervention, the release of hazardous substances at such sites and resolve potential liability. These types of agreements are not used to "clean-up" a site, but are used to develop short-term fixes to address ongoing pollution. A review of this Agreement shows that it fails to do even that and underscores its true purpose: to make the Stibnite Gold Project easier to implement.

The minimal work laid out under the Agreement does little to address ongoing pollution. First, it fails to address the main pollution source--the Yellow Pine Pit. Second, one of the few but primary requirements to remove 325,000 tons of toxic mine waste accounts for only two to three percent of the 10-15 million tons of waste at the site. This waste is not being removed. It is merely being moved to a different location on-site. Third, the Agreement does not address ongoing pollution from all point sources, but only requires a limited baseline study of water pollution from a few of those sources. Finally, some of the required actions, like diverting streams around waste, are actually pre-operation tasks to begin mining and are a sweetheart gift to Midas.

In last week's Star News, Midas Gold stated that the Agreement allows it "to actually address and remove the sources of water contamination." However, the benefits of these limited actions on water quality are unknown. Although the EPA, the Forest Service, and Midas Gold knew of the pollution for years, the Agreement was negotiated as a "time critical" action, and thus did not require documentation of how effective the actions would be to address ongoing pollution or the anticipated benefits to water quality. Intentionally labeling this Agreement as a time critical action allowed the EPA to avoid public review.

The Agreement gives Midas Gold the authority to start work this spring. It is a green light to prepare the site for construction of the proposed Stibnite Gold Project well before public comments on the mine project are fully considered, before the Forest Service makes a decision on the preferred alternative, and before federal and state permits are granted. It is a smoke screen behind which Midas Gold can claim goodwill without disclosing the fact that the Superfund law requires it to enter into this Agreement as the potentially responsible party owning the polluted

land. It is a cost-efficient solution to avoid penalties under the Clean Water Act for a decade of toxic discharges into the East Fork South Fork Salmon River without a permit. The Agreement leaves little to cheer for when considered against the adverse impacts of the proposed Stibnite Gold Project disclosed in the Draft Environmental Impact Statement. It is another well-placed distraction to divert attention from the negative consequences of undertaking a massive open pit gold mining project in the headwaters of the South Fork of the Salmon River next to the Frank Church River of No Return Wilderness Area.

**Save the South Fork Salmon Board of Directors** Fred Coriell, Julie Thrower, and Melissa Coriell; Members John Rygh and Mary Faurot Petterson.

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