

Stibnite Gold Project

Tribal Rights and Interests Specialist Report

Prepared by:
USDA Forest Service
Payette National Forest

for:
Payette and Boise National Forests

August 2022

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List of Acronyms

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
ARPA	Archaeological Resource Protection Act
ASAOC	Administrative Settlement Agreement and Order on Consent
BNF	Boise National Forest
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CL	Cultural Landscape
CR	County Road
East Fork SFSR	East Fork South Fork Salmon River
EO	Executive Order
FCRNRW	Frank Church-River of No Return Wilderness
Forest Service	United States Forest Service
FR	Forest Road
FSH	Forest Service Handbook
IPCo	Idaho Power Company
IRA	Inventoried Roadless Area
ITD	Idaho Transportation Department
kV	kilovolt

MMP	Modified Mine Plan
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NFS	National Forest System
NFSR	National Forest System Road
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NPS	National Park Service
NRHP	National Register of Historic Places
OSV	Over-snow vehicle
PA	Programmatic Agreement
Perpetua	Perpetua Resources Idaho Inc.
P.L.	Public Law
PNF	Payette National Forest
RAMP	Restoration and Access Management Plan
RFFA	Reasonably Foreseeable Future Action
SGLF	Stibnite Gold Logistics Facility
SGP	Stibnite Gold Project
SHPO	State Historic Preservation Office
SOPA	Schedule of Proposed Actions
TCP	Traditional Cultural Property
TSF	tailings storage facility
U.S.	United States
USC	United States Code
USDA	U.S. Department of Agriculture
VAV	Visual, Auditory, and Vibratory
VHF	very high frequency

1.0 Introduction

The United States (U.S.) Department of Agriculture Forest Service (Forest Service) received the Stibnite Gold Project (SGP) Plan of Restoration and Operations, (Midas Gold Idaho, Inc. 2016) for review and approval in accordance with regulations at 36 Code of Federal Regulations (CFR) 228 Subpart A for the proposed SGP in central Idaho. A revised Plan, also known as ModPRO,¹ was submitted to the Forest Service in 2019 (Brown and Caldwell 2019). A further modified Plan, also known as ModPRO2,² was then submitted in October of 2021 (Perpetua 2021). Midas Gold changed their name to Perpetua Resources Idaho Inc. (Perpetua³) in February 2021.

The SGP would consist of mine operations, including an open pit hard rock mine and associated processing facilities, located within Valley County in central Idaho on federal, state, and private lands (**Figure 1-1**). The SGP would produce gold and silver doré, and antimony concentrate, for commercial sale by Perpetua. The SGP would have a life (construction, operation, closure, and reclamation), not including post-reclamation monitoring, of approximately 20 years, with active mining and ore processing occurring over approximately 15 years.

This report considers the rights and interests of federally-recognized American Indian Tribes (the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes [Tribes]) whose treaty fishing and hunting rights and traditional subsistence range (or “traditional use area,” meaning, geographic areas commonly used for the provision of food, clothing, shelter, spiritual, and other purposes) includes the SGP area to determine the extent that tribal members would experience adverse effects to their tribal rights and interests as a result of the SGP. The locations of the associated reservations in relation to the SGP are shown on **Figure 1-2**.

“Tribal rights” refer to rights legally accruing to a tribe by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order (EO), or agreement, and which give rise to legally enforceable remedies.

“Tribal resources” is defined as natural resources retained by, reserved by, or for Indian tribes through treaties, statutes, judicial decisions, executive order, or agreement and that are protected by a fiduciary obligation on the part of the United States and in certain instances constitute interests in real property. In this report, tribal resources include the traditional fish, wildlife, and plants of importance to ancestral and modern descendant tribes, as well as the areas, sites, or waterways that have or support such resources. Tribal resources also include sacred sites used for spiritual and religious activities, traditional cultural properties (TCPs), and cultural landscapes (CLs).

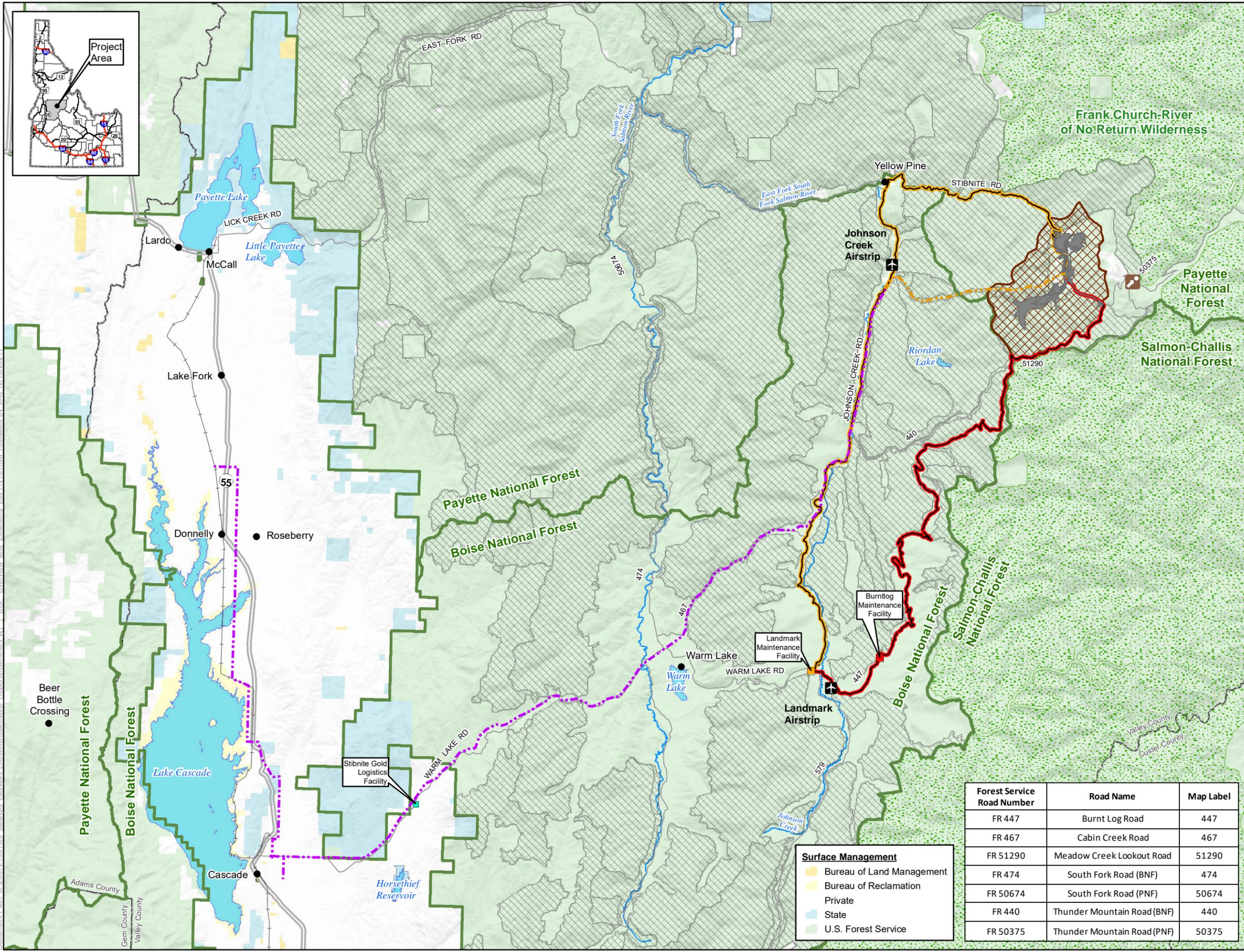
“Interests” is used herein to refer to the concerns that individual tribes assert in particular places or concerns that certain activities could affect the landscape and resources within their traditional subsistence range.

¹ Associated project documents may reference the Revised Plan as the ModPRO.

² Associated project documents may reference the Modified Plan as the ModPRO2.

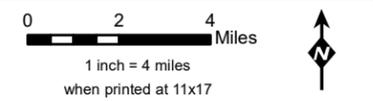
³ Documents provided by Perpetua prior to the February 2021 name change will still be cited and referenced as Midas Gold.

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- LEGEND**
- Project Components**
- SGP Features
 - Operations Area Boundary
- Access Roads and Trail System**
- Burntlog Route *
 - Johnson Creek Route
- Utilities**
- Upgraded Transmission Line
 - New Transmission Line
- Offsite Facilities**
- Burntlog Maintenance Facility *
 - Landmark Maintenance Facility **
 - Stibnite Gold Logistics Facility
- Other Features**
- U.S. Forest Service
 - Wilderness
 - IRA and/or Forest Plan Special Area
 - County
 - City/Town
 - Monumental Summit
 - Airport/Landing Strip
 - Railroad
 - Highway
 - Road
 - Stream/River
 - Lake/Reservoir

* Associated with 2021 MMP only
 ** Associated with Johnson Creek Route Alternative only
 Note:
 The McCall – Stibnite Road (CR 50-412) consists of Lick Creek Road, East Fork South Fork Salmon River Road (East Fork Road) and Stibnite Road.

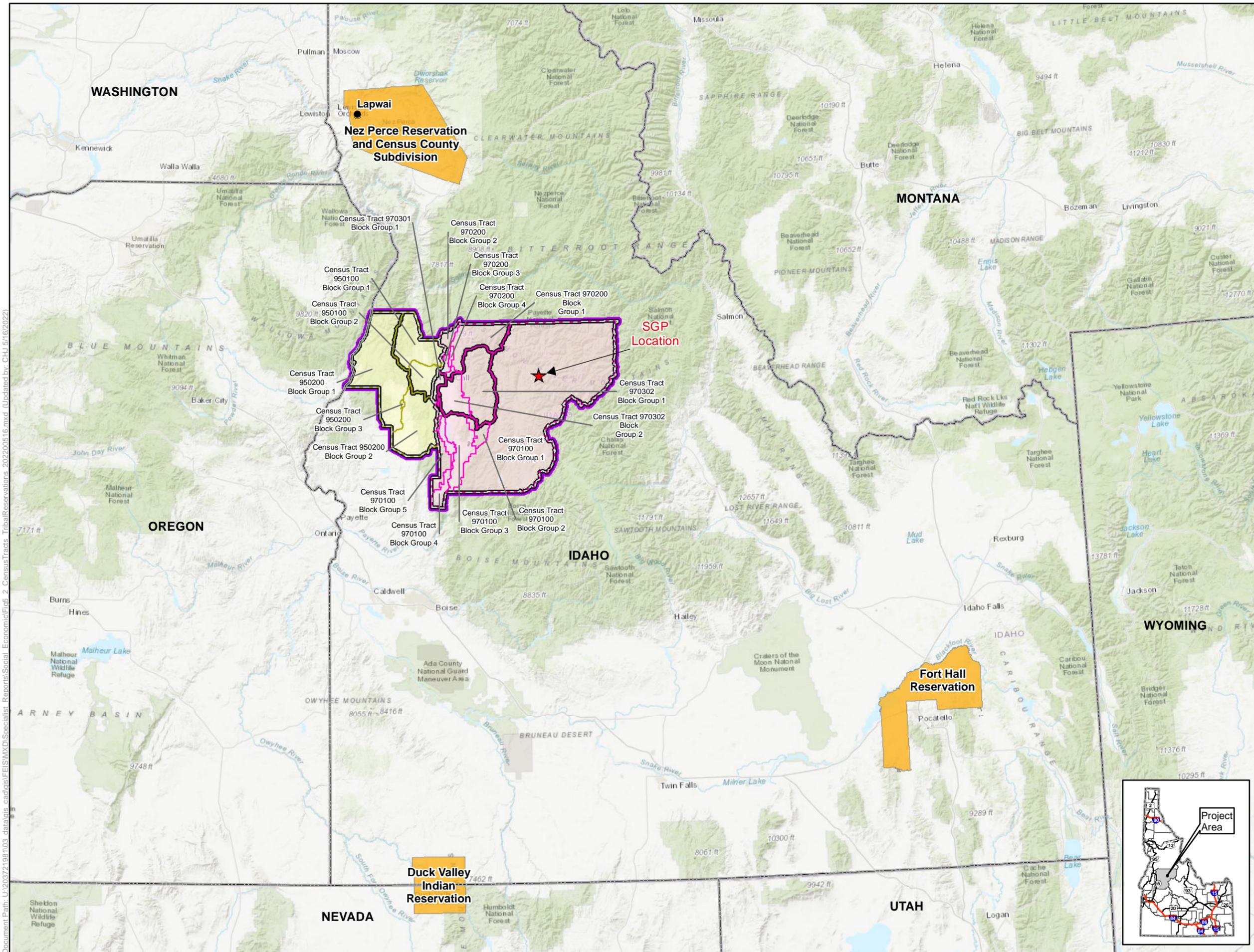


Forest Service Road Number	Road Name	Map Label
FR 447	Burnt Log Road	447
FR 467	Cabin Creek Road	467
FR 51290	Meadow Creek Lookout Road	51290
FR 474	South Fork Road (BNF)	474
FR 50674	South Fork Road (PNF)	50674
FR 440	Thunder Mountain Road (BNF)	440
FR 50375	Thunder Mountain Road (PNF)	50375

- Surface Management**
- Bureau of Land Management
 - Bureau of Reclamation
 - Private
 - State
 - U.S. Forest Service

**Figure 1-1
 SGP Overview
 and Location
 Stibnite Gold Project
 Stibnite, ID**

*Base Layer:
 Other Data Sources: Perpetua; State of Idaho Geospatial Gateway (INSIDE Idaho); Boise National Forest; Payette National Forest*



LEGEND

- ★ SGP Location
- Other Features**
- ▭ Tribal Reservation
- ▭ Adams County Census Block Group
- ▭ Valley County Census Block Group
- ▭ Census Tract
- ▭ County Boundaries/Analysis Area
- City/Town
- ⊕ County
- ⊕ State

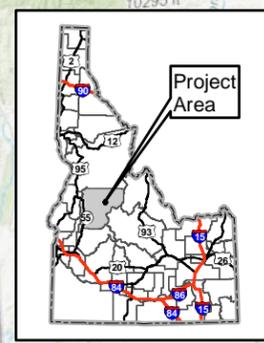
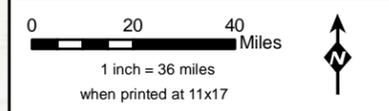


Figure 1-2
Tribal Reservations and Census Tracts
Stibnite Gold Project
Stibnite, ID

Base Layer Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
 Other Data Sources: Perpetua; State of Idaho Geospatial Gateway (INSIDE Idaho); USGS; Boise National Forest; Payette National Forest; US Census Bureau

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2.0 Alternatives, Including the Proposed Action

The SGP 2021 Modified Mine Plan (2021 MMP) Alternatives Report (Forest Service 2022a) contains the details of the alternatives that are being considered and fully analyzed in this report. For reader usability, the alternatives are briefly summarized here.

2.1 No Action Alternative

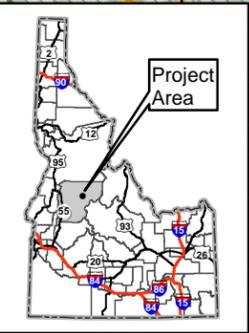
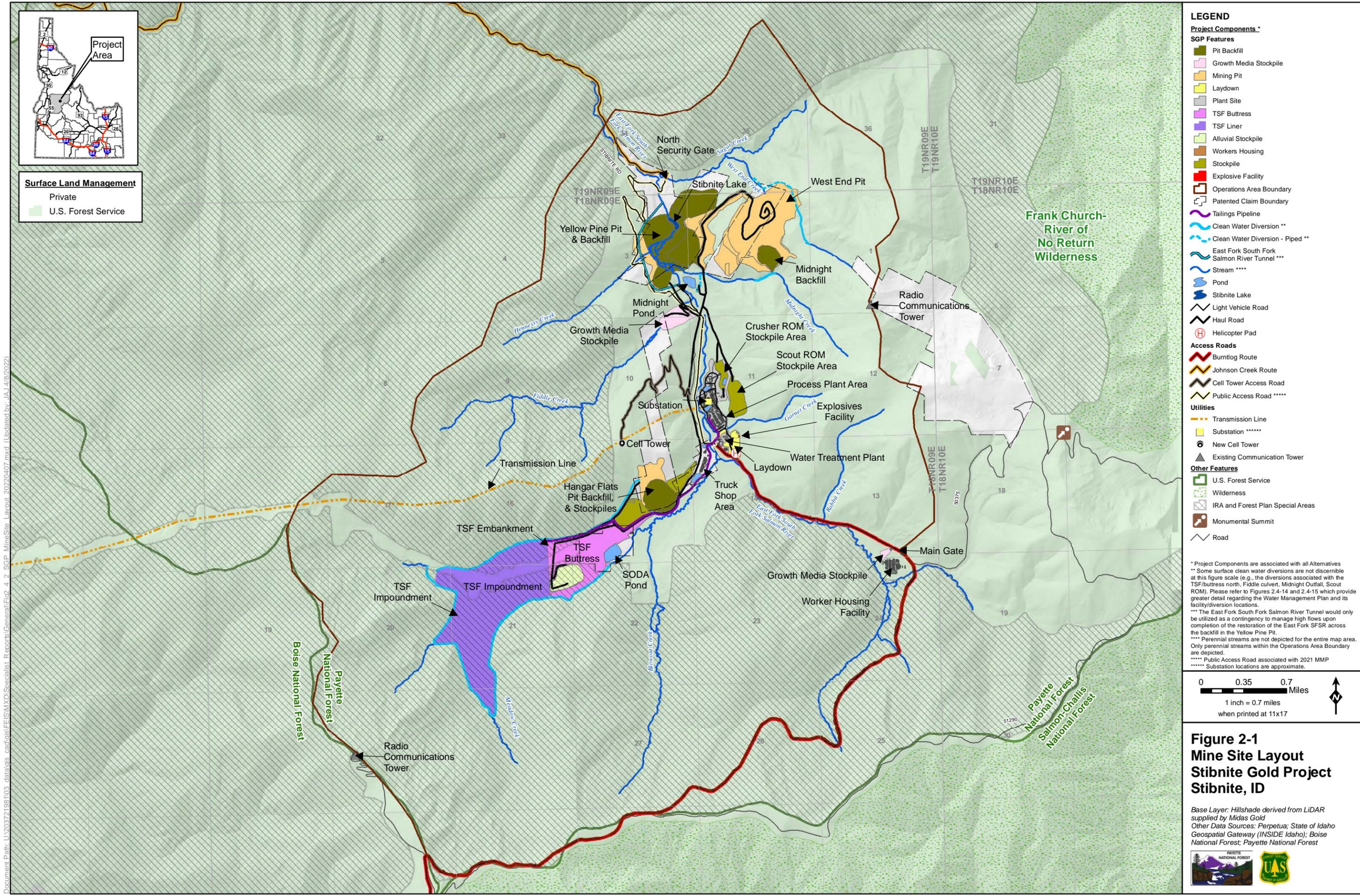
The No Action Alternative provides an environmental baseline for comparison of the action alternatives. Under the No Action Alternative, the mining, ore processing, and related activities under the 2021 MMP or the Johnson Creek Route Alternative would not take place. In addition, certain legacy and existing mining impacts would be addressed as directed in the 2021 Administrative Settlement Agreement and Order on Consent (ASAOC), including installation of stream diversion ditches designed to avoid contact of water with sources of contamination and removal of development rock and tailings currently impacting water quality. However, existing and approved activities (i.e., approved exploration activities and associated reclamation obligations) would continue and Perpetua would not be precluded from subsequently submitting another plan of operations pursuant to the General Mining Law of 1872.

2.2 2021 MMP

The 2021 MMP is based upon Perpetua's Revised Plan (ModPRO2) and is considered the Proposed Action. The description of this alternative has been updated per the Revised Plan submitted in 2021 (Perpetua 2021). The SGP operations footprint has been modified but would still be within the previously identified Operations Area Boundary (**Figure 2-1**).

The following mine components would be common to the action alternatives:

- Mine pit locations, areal extents, and mining and backfilling methods
- Transportation management on existing and proposed roads
- Pit dewatering, surface water management, and water treatment
- Ore processing
- Lime generation
- Tailing storage facility (TSF) construction and operation methods
- TSF Buttress construction methods
- Water supply needs and uses
- Management of mine impacted water and stormwater runoff
- Stibnite Gold Logistics Facility (SGLF)
- A road maintenance facility
- Surface and underground exploration
- Stibnite Gold Project worker housing facility



Surface Land Management
 Private
 U.S. Forest Service

- LEGEND**
- Project Components ***
- SGP Features**
- Pit Backfill
 - Growth Media Stockpile
 - Mining Pit
 - Laydown
 - Plant Site
 - TSF Buttruss
 - TSF Liner
 - Alluvial Stockpile
 - Workers Housing
 - Stockpile
 - Explosive Facility
 - Operations Area Boundary
 - Patented Claim Boundary
 - Tailings Pipeline
 - Clean Water Diversion **
 - Clean Water Diversion - Piped **
 - East Fork South Fork Salmon River Tunnel ***
 - Stream ****
 - Pond
 - Stibnite Lake
 - Light Vehicle Road
 - Haul Road
 - Helicopter Pad
- Access Roads**
- Burntlog Route
 - Johnson Creek Route
 - Cell Tower Access Road
 - Public Access Road *****
- Utilities**
- Transmission Line
 - Substation *****
 - New Cell Tower
 - Existing Communication Tower
- Other Features**
- U.S. Forest Service
 - Wilderness
 - IRA and Forest Plan Special Areas
 - Monumental Summit
 - Road

* Project Components are associated with all Alternatives
 ** Some surface clean water diversions are not discernible at this figure scale (e.g., the diversions associated with the TSF/buttruss north, Fiddle culvert, Midnight Outfall, Scout ROM). Please refer to Figures 2.4-14 and 2.4-15 which provide greater detail regarding the Water Management Plan and its facility/diversion locations.
 *** The East Fork South Fork Salmon River Tunnel would only be utilized as a contingency to manage high flows upon completion of the restoration of the East Fork SFSR across the backfill in the Yellow Pine Pit.
 **** Perennial streams are not depicted for the entire map area. Only perennial streams within the Operations Area Boundary are depicted.
 ***** Public Access Road associated with 2021 MMP
 ***** Substation locations are approximate.

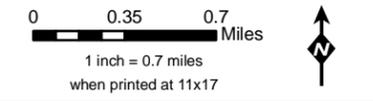


Figure 2-1
Mine Site Layout
Stibnite Gold Project
Stibnite, ID

Base Layer: Hillshade derived from LIDAR supplied by Midas Gold
 Other Data Sources: Perpetua; State of Idaho Geospatial Gateway (INSIDE Idaho); Boise National Forest; Payette National Forest



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For access, the 2021 MMP would utilize Warm Lake Road, Johnson Creek Road, and Stibnite Road during construction of the proposed Burntlog Route; then once constructed, the Burntlog Route would be utilized during operations and reclamation. The actions proposed under the 2021 MMP would take place over a period of approximately 20 years, not including the long-term, post-closure environmental monitoring or potential long-term water treatment.

2.3 Johnson Creek Route Alternative

The Johnson Creek Route Alternative was developed to evaluate potential reductions in impacts to various resources. The mining portion of this alternative would be the same as under the 2021 MMP. Therefore, the primary focus of the Johnson Creek Route Alternative would be using an existing road for mine access through operations and reclamation instead of the Burntlog Route that under the 2021 MMP requires new road construction in Inventoried Roadless Areas. The Johnson Creek Route Alternative would require extensive upgrades to both Johnson Creek Road and Stibnite Road. Construction schedule for upgrading the roads and construction of the SGP would increase from 3 years to 5 years.

The action alternatives are summarized in **Table 2-1**.

Table 2-1 Action Alternatives Summary

SGP Phase	Component/ Subcomponent	2021 MMP	Johnson Creek Route Alternative
All Phases	SGP timeline	<ul style="list-style-type: none"> • Construction: Approximately 3 years. • Operations: Approximately 15 years. • Exploration: Approximately 17 years (during construction and operations). • Reclamation: Approximately 5 years (except for the TSF which would require an additional 9 years for tailings dewatering and consolidation). • Closure/Post-Closure Water Treatment: Approximately through Mine Year 40. • Environmental Monitoring: As long as needed. 	Same as 2021 MMP except: <ul style="list-style-type: none"> • Construction: Approximately 5 years (upgrading the existing Johnson Creek and Stibnite Roads to provide permanent mine access).
All Phases	Access Roads	Construction/Operations: <ul style="list-style-type: none"> • Warm lake road from State Highway (SH) 55 to Johnson Creek Route intersection (34 miles). • Johnson Creek Route for SGP access during early construction with minor improvements within the road prism. • Burntlog Route (38 miles) for SGP access during last year of construction, mining and ore processing operations, and 	<ul style="list-style-type: none"> • Warm lake road from SH 55 to Johnson Creek Route intersection (34 miles). • Johnson Creek Route (39 miles: Johnson Creek Road 25 miles, Stibnite Road 14 miles) upgraded and used for access throughout life of mine (LOM) instead of the Burntlog Route. • Access route around the Yellow Pine pit for public access, employee access, and deliveries of supplies and equipment to the

SGP Phase	Component/ Subcomponent	2021 MMP	Johnson Creek Route Alternative
		<p>closure and reclamation. Includes improvements of existing segments (23 miles) and road construction for new segments (15 miles).</p> <ul style="list-style-type: none"> • Up to eight borrow areas developed along Burntlog Route for materials needed for road improvements and maintenance. • Access route around the Yellow Pine pit for public access. • Closure and Reclamation: • New sections of Burntlog Route to be reclaimed after the closure and reclamation period. 	<p>processing, warehouse, worker housing facility, and administration areas.</p> <ul style="list-style-type: none"> • No improvements or construction of new segments for Burntlog Route. • Up to seven borrow sources developed along the Johnson Creek Route for materials needed for road improvements and maintenance. <p>Closure and Reclamation:</p> <ul style="list-style-type: none"> • Improved Johnson Creek and Stibnite roads would not be reclaimed to pre-existing conditions.
All Phases	Public Access	<p>Construction:</p> <ul style="list-style-type: none"> • Temporary groomed over-snow vehicle (OSV) trail on the west side of Johnson Creek from Trout Creek to Landmark while Burntlog Route is constructed (8 miles). • OSV trail on west side of Johnson Creek from Wapiti Meadows to Trout Creek campground closed during construction (9 miles). • OSV trail from Warm Lake to Landmark closed during construction through operations (8.5 miles). • Cabin Creek Road Groomed OSV trail (11 miles). • Public roads remain open through the SGP with temporary closures as needed to accommodate construction. <p>Operations:</p> <ul style="list-style-type: none"> • Groomed OSV trail moves from west side of Johnson Creek Road to Johnson Creek Road from Landmark to Wapiti Meadows (16.7 miles). • Stibnite Road (County Road [CR] 50-412) / Thunder Mountain Road (FR 50375) closed through the SGP. • Seasonal public access through the Operations Area Boundary provided by constructing new 	<p>Construction and Operations: Same as 2021 MMP except:</p> <ul style="list-style-type: none"> • OSV trail on the west side of Johnson Creek from Wapiti Meadows to Trout Creek campground would be closed from construction through mine closure (9 miles). • Groomed OSV trail on the west side of Johnson Creek from Trout Creek to Landmark lasting from construction through mine closure. <p>Closure and Reclamation: Same as 2021 MMP.</p>

SGP Phase	Component/ Subcomponent	2021 MMP	Johnson Creek Route Alternative
		<p>road through Yellow Pine pit and below mine haul road to link Stibnite Road (FR 50412) to Thunder Mountain Road (FR 50375).</p> <ul style="list-style-type: none"> • Public access allowed on Burntlog Route to Thunder Mountain Road (FR 50375). <p>Closure and Reclamation:</p> <ul style="list-style-type: none"> • New road constructed over the Yellow Pine Backfill (backfilled Yellow Pine pit) connecting Stibnite Road (FR 50412) to Thunder Mountain Road (FR 50375). 	
Operations	Utilities – Transmission Lines	<ul style="list-style-type: none"> • Upgrade approximately 63 miles of the existing 12.5 kilovolt (kV) and 69 kV transmission lines. • New approximate 9-mile, 138 kV line would be constructed from the Johnson Creek substation to a new substation at the mine site. • Upgrade the substations located at Oxbow Dam, Horse Flat, McCall, Lake Fork, and Warm Lake. • Reroute approximately 5.4 miles of transmission line to avoid the Thunder Mountain Estates subdivision. • Reroute approximately 0.9 miles of transmission line between Cascade and Donnelly to use an old railroad grade on private property. • Installation of approximately 3 miles of new underground distribution line along Johnson Creek Road from the Johnson Creek substation south to Wapiti Meadows. 	Same as 2021 MMP.
Operations	Utilities - Communication Towers and Repeater Sites	<ul style="list-style-type: none"> • One cell tower located north of the Hangar Flats pit. • Locations along Burntlog Route for very high frequency (VHF) repeater sites. • Use existing access roads to repeater site locations along Burntlog Route. • Communication site at the SGLF. 	<p>Same as 2021 MMP except:</p> <ul style="list-style-type: none"> • Cell tower sites constructed and maintained using helicopter (instead of constructing access roads) for sites within IRAs managed for Backcountry/Restoration. • Locations along Johnson Creek route for repeater sites.

SGP Phase	Component/ Subcomponent	2021 MMP	Johnson Creek Route Alternative
		<ul style="list-style-type: none"> Upgrades to existing communication site. 	
Operations	Off-site Maintenance Facility	<ul style="list-style-type: none"> SGLF located along Warm Lake Road. Burntlog Maintenance Facility located at one of the borrow source locations 4.4 miles east of the junction of Johnson Creek Road and Warm Lake Road along the proposed Burntlog Route. 	<ul style="list-style-type: none"> SGLF same as 2021 MMP Landmark Maintenance Facility located at junction of Warm Lake Road at Johnson Creek Road.
Closure and Reclamation	Access road segments	<ul style="list-style-type: none"> Removal and reclamation of new road segments constructed for Burntlog Route. Return of previously existing road segments to pre-construction width and condition. 	<ul style="list-style-type: none"> No removal or reclamation of pre-existing access routes.

Table Source: Perpetua 2021

2.4 Environmental Design Features

The SGP must comply with all laws and regulations that apply to the proposed activities (Forest Service 2022a). Standards and guidelines in the Payette and Boise National Forest Land and Resource Management Plans (Forest Service 2003, 2010) that are designed to reduce or prevent undesirable impacts resulting from proposed management activities are incorporated into the action alternatives by reference. In addition, best management practices outlined in the Best Management Practices for Mining in Idaho (Idaho Department of Lands 1992) would be implemented where appropriate and applicable for operations to minimize site disturbance from mining and drilling activities.

In the design of the 2021 MMP, Perpetua has already considered many of the potential environmental impacts that might be caused by the SGP. This has led to an internal evaluation of project design features and operational characteristics that may have the effect of reducing and/or eliminating potential environmental impacts of the SGP. Such project-specific measures intended by a proponent to inherently reduce and/or avoid potential environmental impacts of a proposed action are referred to as environmental "design features".

Based on the application of permits and regulatory compliance requirements (Forest Service 2022a) to the project, regulatory requirements, standards and guidelines, best management practices, and likely permit conditions are listed in **Table 2-2**. The environmental design features that have been proposed and committed to by Perpetua are listed in **Table 2-3**. All of these environmental design measures have been assumed to be effective in conducting the environmental analysis presented in **Section 7.0**.

Table 2-2 Prominent Regulatory and Forest Plan Requirements for Tribal Rights and Interests

Description	Type	Reference
If previously undiscovered cultural resources (historic or archaeological objects, artifacts, or sites) are exposed on NFS land as a result of project operations, those operations will not proceed until notification is received from the Forest Service that the proponent has complied with provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800.	Regulatory Requirement	36 CFR 228.4(e) 36 CFR 800
A programmatic agreement (PA) is being developed and will outline measures to ensure compliance with Section 106 of the NHPA, including but not limited to protocols for completing cultural resources surveys within the analysis area, permitting requirements, treatment of historic properties, monitoring requirements, inadvertent discovery protocols, curation, and treatment of human remains. The PA will identify known adverse effects to historic properties and provide mitigation measures.	Forest Plan Component	BNF and PNF: HPST01 TRST06
A management plan will be developed for each historic property nominated to the National Register of Historic Places. The plan(s) will be drafted during the nomination process.	Forest Plan Component	BNF and PNF: HPGU02
The project would adhere to National Heritage Strategy guidelines for all decisions related to the Heritage Program.	Forest Plan Component	BNF and PNF: HPGU03
During project planning, affected tribe(s) shall be consulted regarding opportunities for restoration, enhancement, and maintenance of native plant communities that are of interest to tribe(s) when proposed activities may affect those plant communities.	Forest Plan Component	BNF and PNF: TRST04
<p>Architectural designs will follow principles and concepts outlined in the Built Environment Image Guide (BEIG).</p> <p>Facilities identified as necessary should blend with the surrounding landscape character and the ROS setting. ROS descriptions in the Boise National Forest (BNF) and Payette National Forest (PNF) Forest Plans Appendix F should be used to help guide facility development and recreation activity management within each ROS class.</p> <p>When a structure or facility is created for other than public use, the materials, color, and location should be chosen to reduce visual contrast of the structure. Natural or neutral colors should be used in to help structures blend with the landscape.</p> <p>The use of natural or neutral colors and non-reflective surfaces will be considered for structures. An exception to this would be when the function of the structure is to be seen.</p>	Forest Plan Component	BNF and PNF: FRGU13, SCGU13, SCGU14, SCGU15 BNF: REGU12, REGU15 PNF: REGU13, REGU16

Table 2-3 Perpetua Proposed Environmental Design Features for Tribal Rights and Interests

Description
Perpetua employees and contractors would be informed about relevant governmental regulations intended to protect cultural and historic resources.
<p>To protect fish residing in, using, or potentially using the Yellow Pine pit lake (Chinook salmon, steelhead trout, bull trout, westslope cutthroat trout, mountain whitefish), Perpetua has developed a Fish Salvage and Release Plan to isolate the lake from upstream movement into the lake and salvage and release fish. The Fish Salvage and Release Plan would be refined in coordination with federal, state, and tribal agencies.</p> <ul style="list-style-type: none"> • Perpetua would, in consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (the Services), design, install, and operate a fish trap and one or two weirs designed to allow fish to leave the Yellow Pine pit lake but not allow fish to migrate upstream past the trap to ensure that the fewest number of individual Endangered Species Act (ESA)-listed fish species are present in the pit lake when the draining process begins. The timing for providing the upstream barrier to fish movement would be designed to minimize the number of fish in the Yellow Pine pit lake, particularly larger bull trout that dominate the fish assemblage in the lake. • Fish captured in the Yellow Pine pit lake would be immediately released downstream of the upstream fish movement barrier or in another location determined by the appropriate regulatory agencies. • The Yellow Pine pit lake would be partially drained to recover the remaining fish and relocate them prior to final draining of the pit lake.
Perpetua would employ blasting setback distances and other controlled blasting techniques following industry best management practices (modifying blasting variables including charge size, and vibration and overpressure monitoring) to minimize impacts to fish from blasting. Perpetua would follow up with monitoring in early stages of operation to evaluate effectiveness and refine blasting protocols in coordination with federal, state, and tribal agencies, if needed.
To protect fish, Perpetua would develop a standard procedure for channel segment isolation, dewatering, fish salvage, and fish relocation to appropriate receiving streams during dewatering or maintenance of natural stream and diversion channels, based on the USFWS Recommended Fish Exclusion, Capture, Handling, and Electroshocking Protocols and Standards (USFWS 2012) and refined in coordination with federal, state, and tribal agencies.
Perpetua would implement measures to limit stream baseflow effects during active operations, including a combination of lining key reaches of streams potentially impacted by pit dewatering, and infiltrating groundwater that is extracted for pit dewatering into infiltration basins. Maintain instream flows for fish species and other aquatic resources: flows within natural stream channels affected by SGP operations would be maintained to meet seasonally appropriate and stream-specific low-flow needs to the maximum extent practicable. Perpetua would continue to evaluate options and measures to further avoid and minimize the magnitude and duration of effects of the SGP through other measures in consultation with federal, state, and tribal agencies.

3.0 Relevant Laws, Regulations, and Policy

The interests of the Nez Perce Tribe, the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes go beyond spiritual, cultural, and economic to the unique legal relationship that the U.S. Government has with American Indian tribal governments and the U.S. Government’s trust responsibility (Forest Service Manual 1563.1b(1), Forest Service Manual 1563.8(b)). Federally recognized tribes are sovereign nations who work with the federal government, and its agencies, through the process of government-to-government consultation. The federal trust relationship with each tribe was recognized by, and has been addressed through, the U.S. Constitution, treaties, EOs, statutes, and court decisions. In general, these mandates protect and enhance the ability of the tribes to exercise rights and cultural practices off-reservation. Cultural interests and uses on National Forest System (NFS) lands are protected through various federal statutes. The federal trust requires federal agencies to manage the lands under their

stewardship with full consideration of tribal rights and interests, particularly reserved rights, where they have been exercised since time immemorial.

Many of the treaties and EOs signed by the U. S. government in the mid-1800s reserved homelands for the tribes. Additionally, the treaties with the Nez Perce Tribe and Shoshone-Bannock Tribes reserved certain rights outside the established reservations, such as fishing, hunting, gathering, and pasturing, on what are now NFS land. Tribes still protect and exercise those rights throughout the analysis area.

These reserved tribal rights as defined by statute, treaty, Executive Order, or court decision are protected. The United States holds many of these interests in trust for tribes and their members. The federal trust doctrine was first described by the Supreme Court in *Cherokee Nation v. Georgia* 30 U.S. (5 Pet.) 1 (1831). The United States holds the underlying title or interest to many of these reserved rights for the benefit of the tribe or tribes. The Forest Service obligations include management of NFS lands consistent with other federal laws and the protection of off-reservation rights.

The following excerpts from the treaties with the Nez Perce Tribe and Shoshone-Bannock Tribes, and the EO with the Shoshone-Paiute Tribes characterize the rights that the tribes have and where they can exercise those rights. Certain federal laws that pertain to the exercise of religion at Indian sacred sites also are included in this section. This is followed by a summary of Forest Service directives and plans pertaining to tribal rights.

3.1 Tribal Treaties and Executive Orders

3.1.1 Nez Perce Tribe Treaties (1855 and 1863)

In 1854, Isaac Stevens, governor of the Washington Territory, began negotiations with area tribes. The Nez Perce Tribe Treaty of 1855, a Stevens treaty, established a 7.5-million-acre reservation and reserved rights to fish, hunt, gather, and pasture. Article 3 of the treaty identifies the following rights for the Nez Perce Tribe:

The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians: as also the right of taking fish at all usual and accustomed places in common with citizens of the Territory, and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land (Nez Perce Tribe Treaty of 1855, Article 3).

The Nez Perce Tribe Treaty of 1863 does not specifically list any off-reservation rights. However, Article 8 of this treaty secures the same rights as the 1855 treaty:

...as set forth in the eighth article of the treaty of June 11, 1855; and further, that all the provisions of said treaty which are not abrogated or specifically changed by any article herein contained, shall remain the same to all intents and purposes as formerly, - the same obligations resting upon the United States, the same privileges continue to the Indians outside of the reservation...

...The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians... (Nez Perce Tribe Treaty of 1863, Article 8).

The Stevens treaty secured three types of rights including hunting, gathering, and pasturing on open and unclaimed lands, fishing in usual and accustomed places, and through the additional Treaty of 1863, access to springs and fountains.

3.1.2 Shoshone-Bannock Tribes Treaty (1868)

The Fort Bridger Treaty of 1868 (also known as the Shoshone Bannock Treaty) was the last reservation established through treaty council (Wikipedia 2022). The Fort Bridger Treaty with the Shoshone-Bannock Tribes set aside the Fort Hall Reservation in southeastern Idaho for the Eastern Shoshone, including the Lemhi and the Bannock. It also reserved rights outside of established reservations, including hunting rights:

The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts (Fort Bridger Treaty of 1868, Article 4).

Additionally, on June 6, 1900, President McKinley signed the Fort Hall concession of lands (Idaho Centennial Commission Native Americans Committee [ICCNAC] 1992). This cession affirmed the off-reservation rights of the Fort Bridger Treaty stating, in Article IV of the concession agreement or Act, that:

So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefore, to cut timber for their own use, but not for sale, and to pasture their livestock on said public land, and to hunt thereon and to fish in the streams thereof.

3.1.3 Shoshone-Paiute Tribes Executive Order (1877)

After 1868, reservations were established through presidential executive order (Wikipedia 2022). The Shoshone-Paiute Tribes EO of 1877, signed by U.S. President Rutherford B. Hayes, set aside the Duck Valley Reservation for several Western Shoshone bands who traditionally lived along the Owyhee River of southeastern Oregon, in southwestern Idaho, and along the Humboldt River of northeastern Nevada (Thomas et al. 1986). Later, they were joined by Paiute from the lower Weiser country of Idaho and independent Northern Paiutes from the Fort McDermitt, Camp Harney, and Quinn River areas, as well as from the Owyhee region of southwestern Idaho. The aboriginal Northern Paiute territory includes portions of southwestern Idaho, eastern Oregon, and northwestern Nevada. Previous treaties with ancestral Shoshone-Paiute bands, such as the Ruby Valley Treaty of 1863 (ratified), Bruneau Treaty of 1864 (unratified), and Boise Treaty of 1866 (unratified), establish various rights (or do not extinguish rights), which has led to complex unresolved land claims and rights.

3.2 Land and Resource Management Plan

Forest Service Manual 1563 directs the Forest Service to implement programs and activities consistent with and respecting tribal rights and to fulfill legally mandated trust responsibilities to the extent they are determined applicable to NFS lands. Treaty rights and trust responsibilities are defined in Forest Service Manual 1500, Chapter 1560 as:

Those rights or interests reserved in treaties for the use and benefit of Tribes. The nature and extent of treaty rights are defined in each treaty. Only Congress may abolish or modify treaties or treaty rights. Trust responsibilities arise from the U.S.'s unique legal and political relationship with Indian tribes. It derives from the Federal Government's consistent promise in the treaties that it signed, to protect the safety and well-being of the Indian tribes and tribal members. The federal trust responsibility is a legally enforceable fiduciary obligation on the part of the U.S. to carry out the mandates of federal law with respect to all federally recognized American Indian and Alaska Native tribes and villages (Forest Service 2016a:51).

The Payette National Forest Land and Resource Management Plan (Forest Service 2003a) and the Boise National Forest Land and Resource Management Plan (Forest Service 2010) also provide as part of the desired conditions that:

Federal agencies take a more proactive role on the tribes' behalf, especially in areas of treaty interest, rights, traditional and cultural resources, and ecosystem integrity. Federal agencies provide opportunities for traditional American Indian land uses and resources. The presence of healthy habitats is fundamental to the achievement of both useable and harvestable levels of resources significant to American Indians, as well, as to ecosystem integrity (Forest Service 2003a:III-71; Forest Service 2010: III-73).

Forest Service Manual 1500, Chapter 1560 also summarizes the Forest Service responsibility to protect tribal cultural resources and sacred sites, as codified in legislation, regulations, and other statutory authorities. These apply to sites of historical importance and to sacred sites held sacred because of religious or spiritual importance.

3.3 Federal Laws, Regulations, and Policy

3.3.1 American Indian Religious Freedom Act (1978)

The American Indian Religious Freedom Act (42 United States Code 1996) promotes federal agency consultation with tribes on activities that may affect their traditional religious rights and cultural practices. These include, but are not limited to, access to sacred sites, freedom to worship through ceremonial and traditional rights, and use and possession of objects considered sacred. These rights and practices may be associated with, and lend significance to, a property. The American Indian Religious Freedom Act directs agencies to consult with Native American traditional religious leaders in a cooperative effort to develop and implement policies and procedures that will aid in determining how to protect and preserve Native American cultural and spiritual traditions.

3.3.2 National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended through December 16, 2016 (Public Law [P.L.] 89-665, as amended by P.L. 96-515; 54 United States Code [USC] 300101 *et seq.*) is the principal federal law protecting historic properties.

Section 106 of the NHPA (54 USC 306108) directs all federal agencies to consider the effect of their undertakings (i.e., actions, financial support, and authorizations) on any historic properties. The Advisory Council on Historic Preservation (ACHP) regulations at 36 CFR 800 implement Section 106. Procedures are outlined for identifying resources; evaluating their significance; assessing effects; implementing measures to mitigate adverse effects; and consulting with the ACHP, State Historic Preservation Offices (SHPOs), Tribal Historic Preservation Offices, and other interested parties. The National Register of

Historic Places (NRHP) is used as a planning tool under these regulations to help federal agencies evaluate the significance of cultural resources. Additionally, the NHPA requires federal agencies to consult with Indian tribes to determine whether there are properties of traditional religious and cultural importance to Indian tribes that may be eligible for listing on the NRHP (54 USC 302706).

Federal agencies are directed to identify an Area of Potential Effects (APE) when assessing the potential impacts to historic properties resulting from an undertaking that falls under the purview of Section 106. Per 36 CFR 800.16(d), an APE is defined as "...the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking..." The APE defines that area within which the identification of historic properties will occur. While the APE is a NHPA-specific tool for assisting with identifying the potential effects of an undertaking it is also useful in identifying resources that may also require consideration in the context of tribal interests.

3.3.3 Native American Graves Protection and Repatriation Act (NAGPRA) (1990)

The Native American Graves Protection and Repatriation Act (NAGPRA) became law in 1990; the regulations implementing the statute were completed and went into effect in January 1996. This law formally affirms the rights of Indian tribes, Native Alaskan entities, and Native Hawaiian organizations to custody of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony with which they have a relationship of cultural affiliation. NAGPRA gives even stronger custody rights to lineal descendants when such a close relationship can be documented. In addition, the law and regulations describe procedures designed to ensure that all Americans can derive educational, historical, and scientific value from the remains and objects covered by the statute through public interpretation, documentation, and study. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on federal and tribal lands, and penalties for noncompliance and illegal trafficking.

3.4 Executive Orders

3.4.1 Executive Order 13007 (1996)

EO 13007 (Indian Sacred Sites) requires federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of proposed actions or land management policies that may restrict access to or ceremonial use of, or adversely affect, sacred sites.

Sacred sites are defined in EO 13007 as, "any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the Indian tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site."

3.4.2 Executive Order 13175 (2000)

This EO (Consultation and Coordination with Indian Tribal Governments) establishes regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that

have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes. This order revokes the preceding EO 13084 – Consultation and Coordination with Indian Tribal Governments.

3.4.3 Secretarial Order 3206 (1997)

This Order (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act) clarifies the responsibilities of federal agencies when actions taken under authority of the Endangered Species Act (ESA) and associated implementing regulations affect, or may affect, Indian lands, tribal trust resources, or the exercise of American Indian tribal rights. It acknowledges the trust responsibility and treaty obligations of the United States toward Indian tribes and tribal members. Accordingly, federal agencies will carry out their responsibilities under the ESA in a manner that harmonizes the federal trust responsibility to tribes, tribal sovereignty, and statutory missions and strive to ensure that Indian tribes do not bear a disproportionate burden for the conservation of listed species.

3.4.4 Secretarial Order 3403 (2021)

This Order (Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Water) seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes. It directs federal agencies to ensure all decisions relating to federal stewardship of lands, waters, and wildlife under their jurisdiction consider the interests of any Indian Tribes and how to safeguard those interests.

4.0 Issues and Resource Indicators

4.1 Significant Issues

The Forest Service, in coordination with the cooperating agencies, and informed by the NEPA scoping process, tribal consultation, and public comments, has identified the following significant issues related to tribal rights and interests.

- Public and Tribal Access – Construction and operation of mine infrastructure may impact access to NFS lands, travel routes, and access to reserved tribal rights.

In addition, other identified significant resource issues that are of concern to the Tribes as they relate to tribal resources include:

- Surface Water and Groundwater – Construction and operation of mine infrastructure may impact water quality and quantity.
- Sensitive Plant Species – Construction and operation of mine infrastructure may impact habitat for sensitive plant species, such as whitebark pine.
- Traditional Plant Species – Construction and operation of the mine infrastructure may impact habitat for traditionally gathered plant species.
- Wetlands and Riparian Areas – Construction and operation of mine infrastructure may affect quantity of wetlands (e.g., acres), impact ecological function, and fragment wetland habitat.
- Federally-listed fish species – Construction and operation of mine infrastructure may impact habitat for steelhead, salmon, and bull trout.

- Traffic – Construction, operation, and reclamation may affect traffic volumes, types of vehicles, and patterns of use.
- Visual, Auditory, and Vibratory Quality – Construction and operation of mine infrastructure may impact the integrity and quality of viewshed, solitude characteristics in general, and solitude needed for maintaining the integrity of potential cultural and religious sacred sites or places, TCPs, and CLs and may result in change of the Forest Plan(s) Visual Quality Objectives.

4.2 Resource Issues and Indicators

Public and tribal access were identified as a significant issue during scoping for the SGP. Construction and operation of the mine and infrastructure may impact access to NFS lands, travel routes, and tribal rights to access, hunt, gather, pasture, and fish in the SGP area. Other issues related to tribal rights and interests were identified during the scoping process, consultation, and through professional research.

The analysis of effects to tribal rights and interests includes the following issue and indicators:

Issue: The SGP would affect tribal rights and interests through physical, audible, and visual disturbances to tribal resources, through restricting access of tribal members from usual and accustomed fishing places; hunting, pasturing and plant gathering areas; and through changes to the viability and availability of culturally significant fish, wildlife, and plant species.

Indicators:

- Presence of TCPs, CLs, sacred sites or places, usual and accustomed fishing places, and tribal resource gathering areas that may be physically impacted by ground disturbance.
- Presence of TCPs, CLs, sacred sites or places, and tribal resource collection areas that may be impacted by an increase in audible elements (noise and vibrations).
- Presence of TCPs, CLs, sacred sites or places, and tribal resource collection areas that may be impacted by an increase in visual intrusions caused by SGP components.
- Changes in access to TCPs, CLs, sacred sites or places, and tribal resource collection areas due to the restricted access within the Operations Area Boundary.
- Changes to water quality and quantity of both surface water and groundwater in relation to how that affects wildlife, fisheries, and vegetation, or other resources of tribal importance.
- Changes to species viability and/or availability for tribal harvest of culturally important fish, wildlife, and plants and/or their habitat.
- Acres of access and traditional use areas of tribal importance that would be unavailable for the duration of mining activities to exercise treaty rights.
- Known archaeological, cultural resource, and traditional use sites impacted by the Project and visibility of disturbances to these areas.
- Changes in air quality in relation to how that affects wildlife, fisheries, and vegetation, or visibility impacts from fugitive emissions to areas of tribal importance.

5.0 Methodology

5.1 Analysis Area

The analysis area for tribal rights and interests includes the area where effects (direct/indirect and cumulative) may be caused by the proposed activities (FSH.1909.15, 15.2a). The analysis area for tribal rights and interests is the geographic area within which the SGP may directly or indirectly impact tribal real property interests or cause alterations in the character of tribal resources and in a tribe's ability to exercise their rights for off-reservation tribal hunting, gathering, and pasturing activities, fishing in usual and accustomed places, access streams and fountains, and their ability to practice spiritual and religious activities that also are protected under federal laws (**Figure 5-1**).

5.1.1 Direct/Indirect Effects Boundaries

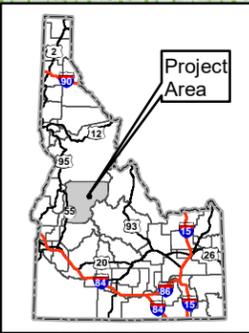
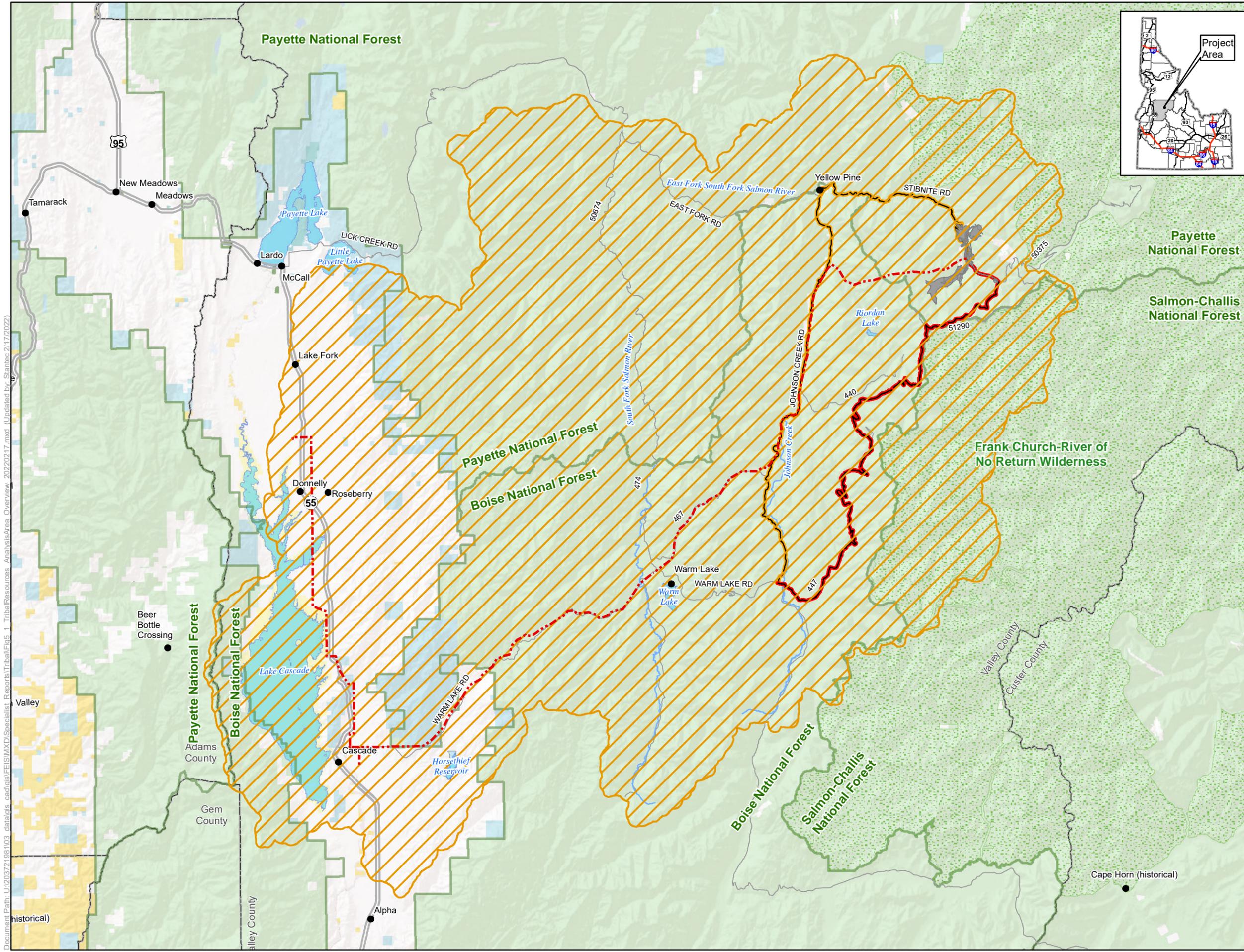
The analysis area for tribal rights and resources includes the watersheds where the SGP activities may potentially affect resources of importance to the Tribes (**Figure 5-1**). The Cascade Reservoir, Johnson Creek, Gold Fork River, Lower East Fork South Fork Salmon River (East Fork SFSR), Upper East Fork SFSR, and Upper South Fork Salmon River HUC10 watersheds would be the areas where the majority of SGP activity would take place. The Burntlog Route access road would be contained within the Johnson Creek and Upper East Fork SFSR watersheds. Because of the route's proximity to the Frank Church River of No Return Wilderness (FCRNRW), the Upper Indian Creek subwatershed (which is part of the Upper Middle Fork Salmon watershed) plus the Upper Little Pistol Creek and Upper Pistol Creek watersheds are also included in the analysis area. The combined watersheds were selected as the tribal rights and interests analysis area, an area that contains the other analysis areas associated with tribal resources of concern such as fish and fish habitat, wildlife and wildlife habitat, vegetation and botanical resources, and cultural resources that may be directly or indirectly impacted by the SGP.

5.1.2 Cumulative Effects Boundaries

The cumulative effects analysis area is larger than the analysis area for direct and indirect effects, encompassing lands administered by both the Payette National Forest and the Boise National Forest, and other federal, state, and private lands within and adjacent to these National Forests. Cumulative effects to the tribal rights and interests extend well beyond NFS lands, and this larger area lends a broader landscape perspective to maintaining ecological sustainability in the National Forest, which supports tribal rights and interests.

5.2 Analysis Area Methodology

The Nez Perce Tribe, Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes, and their traditional and cultural affiliations, trading networks, and other intertribal communication pathways existed long before current governmental and administrative boundaries and continue to exist irrespective of current delineations. For this reason, it is recognized that in addition to the SGP, other mining project development expected to occur in the analysis area, Valley County, and elsewhere in the region may contribute to adverse effects to traditional tribal cultural practices and places that have significance to tribal cultural identities.



- LEGEND**
- Tribal Resources Analysis Area
 - Project Components**
 - SGP Features *
 - Burntlog Route *
 - Johnson Creek Route
 - Utilities**
 - Transmission Line
 - Other Features**
 - U.S. Forest Service
 - Wilderness
 - County
 - City/Town
 - Highway
 - Road
 - Stream/River
 - Lake/Reservoir
 - Surface Management Agency**
 - Bureau of Land Management
 - Bureau of Reclamation
 - Private
 - State
 - State Fish and Game
 - State Parks and Recreation
 - U.S. Forest Service

* Associated with 2021 MMP only
 Note:
 The McCall – Stibnite Road (CR 50-412) consists of Lick Creek Road, East Fork South Fork Salmon River Road (East Fork Road) and Stibnite Road

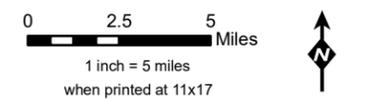


Figure 5-1
Tribal Resources
Analysis Area
Stibnite Gold Project
Stibnite, ID

Base Layer: ESRI World Shaded Relief Service
 Other Data Sources: Perpetua; State of Idaho Geospatial Gateway (INSIDE Idaho); Boise National Forest; Payette National Forest



Document Path: U:\20372198\103_data\gis\cad\gis\FEIS\MXD\Specialist_Reports\Tribal\Fig5_1_TribalResources_AnalysisArea_Overview_20220217.mxd (Updated by: Stamtec 2/17/2022)

6.0 Affected Environment

6.1 Existing Condition

The analysis area is in the traditional subsistence range of the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes. Historically, their lifeways were shaped by seasonal travel and resource harvesting and gathering. They spent winter in the warmer lower areas along the river valleys, and summer and early fall higher in the mountains to take advantage of the cooler temperatures and to gather plants, harvest fish, and hunt small and large game animals (Forest Service 2015). The Nez Perce Tribe's aboriginal territory and lifeways are associated with the Columbia Plateau, whereas the Shoshone-Bannock Tribes and Shoshone Paiute Tribes aboriginal territories and lifeways are associated with the Great Basin. The Columbia Plateau is characterized by arid tablelands, intermontane basins, dissected lava plains, and scattered low mountains (USGS 2016). The Great Basin is characterized by north-south trending mountain ranges with large basins between. A brief tribal history for each Tribe, beginning with the ethnohistoric period around the time of contact, and leading up to contemporary issues and interests is provided below. This information is summarized from publicly available sources. Although the Tribes each provided an ethnographic study, those documents contain confidential information and therefore are not disclosed to the public.

6.1.1 Nez Perce Tribe

Ancestors of the Nez Perce (*Niimi'ipuu*) were the aboriginal inhabitants of this region of Idaho. The *Niimi'ipuu* had one of the largest territories in present day Idaho, as their aboriginal territory covered parts of present-day north-central Idaho, northeast Oregon, southeast Washington, and western Montana. This area included several major river basins: the Columbia, the Salmon, the Snake, and the Clearwater (Indian Claims Commission 1961). The settlement and subsistence patterns of the *Niimi'ipuu* were varied and linked to resource distribution and environmental features (Churchill 1983). The *Niimi'ipuu* formed composite bands generally based on familial ties, language, and territory (ICCNAC 1992; Walker 1982). These bands lived in villages along the riverways and tributaries but traveled seasonally for subsistence. When travel was less frequent in the winter, the *Niimi'ipuu* lived in pit houses and longhouses. Teepees and wikiups were used during more active traveling seasons such as spring and summer. *Niimi'ipuu* engaged in fishing, hunting, and gathering across their vast aboriginal territory, and these activities still play a major role in the culture, religion, subsistence, and commerce of The Nez Perce Tribe and their tribal members (Nez Perce Tribe 2019). Steelhead, several species of salmon, lamprey eels, and several other fish species were harvested for use and for drying as winter stores (Greiser 1998).

This lifeway was disrupted in the early to mid-1800s by Euroamerican fur-trapping, exploration, and settlement which occurred within *Niimi'ipuu* homelands and eventually the Nez Perce Tribe's territory. Territorial governor Issac Stevens representing the U.S. government negotiated the Nez Perce Treaty of 1855 reserving land for the Nez Perce Tribe, centered in the Lapwai area of northern Idaho. Euroamerican miners and settlers continued to encroach on treaty reserved lands, and when gold was discovered in Orofino, Idaho in the early 1860s, the problem intensified. Another treaty was drafted in 1863 claiming more Nez Perce territory for the U.S. government, which was ratified by the U.S. Congress in 1867. Much of the land claimed was in the Wallowa country of Oregon. This was the home of Chief Joseph's band who had not been part of the 1863 treaty negotiations. A period of unrest and struggle between Chief Joseph's band and the settlers followed, leading to the Nez Perce War in the 1870s. By 1877, most of Chief Joseph's band was forced onto an Oklahoma reservation far from their homeland. A period of government control followed with the goal of assimilating Native Americans into the white population by suppressing native cultures and languages.

Despite this pressure to acculturate, the Nez Perce Tribe and *Niimi'ipuu people* were determined to keep their culture and traditions. Additional laws were enacted that further reduced tribal lands, such as the Dawes Act of 1887 that allowed the government to divide communally held lands into individual parcels allowing each male tribal member an allotted number of acres. When the original allotment holder passed the land was divided among descendants. Any “leftover” land not allotted to a male tribal member was sold as surplus to Euroamerican farmers and cattle ranchers. The Dawes Act systematically fragmented tribal ownership of reservation lands and consumes Bureau of Indian Affairs resources for land ownership tracking. By the 1930s, this practice had debilitated tribal finances and caused the loss of millions of acres of treaty reserved lands and is an issue that continues to impact tribes (ICCNAC 1992; Nez Perce Tribe 2020a).

The Indian Reorganization Act of 1934 was passed to rehabilitate tribal economies and to further self-government. The act ended the issuance of further allotments and allowed the Secretary of the Interior authority to create new reservations for tribes with no previous federal land designation and to restore lands not already sold to tribal ownership. In 1935, The Nez Perce Tribe opted not to reorganize their government and constitution based on this Act. The Tribe, therefore, continued to be governed by its prior Constitution, which established a nine member Nez Perce Executive Council. The Constitution was amended in 1948 and again in 1961.

The elected Tribal Executive Committee remains the governing body of the Nez Perce Tribe. The goals of the Nez Perce Tribe today are to manage natural resources to meet the demands of modern society while providing cultural protection and economic stimulus (Nez Perce Tribe 2020a). The Nez Perce Tribe now manages a wide array of natural resources including timber and salmon fisheries within their 750,000-acre reservation, as well as within off-reservation treaty rights areas (Nez Perce Tribe 2020a).

Article 3 of the Nez Perce Tribe Treaty of 1855 affords the Tribe off-reservation rights for fishing in “all usual and accustomed places” and hunting, gathering, and pasturing livestock on open and unclaimed land outside the reservation. The analysis area is located within the area claimed to have been exclusively used and occupied by the Nez Perce Tribe, as adjudicated by the Indian Claims Commission (Indian Claims Commission 1961), and within the area in which the Tribe has asserted off-reservation treaty-reserved rights, such as taking fish in usual and accustomed places, hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land, pursuant to language of the Stevens Treaty.

In 1998, the United States filed federal reserved water rights claims as trustee for the Nez Perce Tribe. That filing attached an expert report documenting usual and accustomed fishing places reserved for the Tribe by the 1855 Treaty. Based on these usual and accustomed fishing places, the United States asserted federal reserved water rights. Some of the usual and accustomed fishing rights identified by the United States were within the Operational Area Boundary (Greiser 1998).

Fishing, hunting, and gathering across the vast Nez Perce Tribe aboriginal territory and at their traditional places, including areas within and surrounding the SGP, and in waters directly downstream of the SGP, continues to be vital to the culture, religion, subsistence, and commerce of the Tribe (Nez Perce 2019). Anadromous fish, such as Chinook salmon; roots, such as camas; and a variety of game were, and continue to be, important subsistence resources (Hunn et al. 1998; Nez Perce Tribe 2019, 2020a). Principal plant resources included camas, cous, wild onion, balsam root, and bitterroot. Noted tribal resources of concern include spring/summer Chinook salmon, steelhead, bull trout, westslope cutthroat trout, redband rainbow trout, mountain whitefish, western pearl shell, Rocky Mountain bighorn sheep, North American wolverine, fisher, gray wolf, Clark's nutcracker, whitebark pine, limber pine, bent-flower milkvetch, Sacajawea's bitterroot, and Idaho Douglasia. Some of their traditional-use resources of concern

include huckleberries, serviceberry, elk thistle, yarrow, wild onion, wild tobacco, Indian hemp, tule, elderberry, chokecherry, Indian tea, Oregon grape, thimbleberry, alder, birch, kowskows, elk, mule deer, moose, and white-tailed deer. Further, the Nez Perce Tribe utilized Ponderosa Pine and Lodgepole Pine as a food resource (Churchill 1983). Through their ethnographic study, the Tribe has presented historical presence and continued use by tribal members in the analysis area.

The SGP is outside of the boundaries of the reservations recognized in either the Treaty of 1855 or the Treaty of 1863 reservations but is within the Nez Perce Tribe's traditional use area and ceded lands. The Nez Perce Tribe continues to be active in fisheries management and habitat restoration along the Salmon River watershed (Nez Perce Tribe 2020b). As the fisheries in their aboriginal territory are of such importance to their lifeway, the Nez Perce Tribe has a Department of Fisheries Resource Management (DFRM) that works to restore Chinook salmon in the East Fork SFSR and the SFSR watersheds. This program began in the early 1980s and includes hatchery supplementation, fishery research, and watershed restoration. Current activities in the analysis area include fish harvesting in the mainstem SFSR, as well as Secesh, Lick Creek, Johnson Creek, and EFSR. The Tribe's ethnography identifies No Man's Creek, Meadow Creek, and Sugar Creek as traditional fishing areas within the Operations Area Boundary. Other locations identified as traditional fishing areas in the tribal resources analysis area include: Secesh River, Buckhorn Creek, Camp Creek, Cougar Creek, Fourmile Creek, Blackmare Creek, Penney Creek and Springs, Dollar Creek, Six-bit Creek, Two-bit Creek, Trail Creek, Bear Creek, and Lodge Pole Creek (Battaglia 2018). Harvest activities in the SFSR focus on hatchery returns to an adult weir and trap located in the vicinity of Warm Lake (Nez Perce 2019).

6.1.2 Shoshone-Bannock Tribes

The Shoshone-Bannock Tribes of Fort Hall comprise the eastern and western bands of the Northern Shoshone and the Bannock or Northern Paiute bands who occupied a vast region that included most of southern Idaho, Oregon, western Wyoming and Montana, and areas south into Nevada and Utah (ICCNAC 1992; Murphy and Murphy 1986; Walker 1982). The Northern Paiutes left the Nevada and Utah regions for southern Idaho in the 1600s and traveled with the Shoshones in pursuit of buffalo; they became known as Bannocks (Shoshone-Bannock 2021). The northern portion of their territory in Idaho included present day Adams and Valley counties. The Shoshone-Bannock Tribes also traveled in and collected resources throughout central Idaho's Salmon River Mountains, among other areas (Forest Service 2003a; Murphy and Murphy 1986:286). The four Northern Shoshone Bands divisions included: (1) the Western Shoshone (Waareekas), including the Boise and the Bruneaus; (2) the Mountain Lemhi Shoshone, including the Dukudeka (Sheepaters) and the Agaidikas (Salmoneaters); (3) the Northwestern Shoshone, including the Bear Lakes, Cache Valley, Bannock Creek and Weber Ute; and (4) the Pohogue (Fort Hall) Shoshone (Forest Service and BLM 1997).

The Shoshone (*Newe*) and the Bannock are two separate tribes with different languages, but these two groups formed into bands of shifting composition and leadership. The Shoshone speakers were the majority, but the chieftainship was sometimes held by a Bannock (Murphy and Murphy 1986). The two intermixed on hunting trips and eventually enough intermarriage occurred that the two Tribes became known as the Shoshone-Bannock Tribes. The Shoshone-Bannock Tribes traveled seasonally to collect plants and to hunt. Important animals and plants for subsistence included salmon, deer, elk, moose, mountain sheep, buffalo, various nuts, seeds, berries, and roots such as camas. Small game animals also were used extensively including groundhog, jack rabbit, porcupines, and prairie dogs (ICCNAC 1992; Walker 1982; Walker 2019). These resources are still important to the Shoshone-Bannock Tribes. Travel was by foot until horses were acquired in the early 1700s. With horses came increased mobility and hunting opportunities. The first contact with Euroamericans was with Lewis and Clark and their Corps of

Discovery in the early 1800s which was aided by Lemhi Shoshone Sacajawea. Euroamerican and Shoshone-Bannock tensions significantly rose when Nathaniel Wyeth established the first trading post at Fort Hall, Idaho in 1834. As Fort Hall became a significant stopover for explorers, trappers, and settlers on their way to the west coast, thousands of Euroamericans traveled through the Shoshone-Bannock Tribes' territory, causing loss of natural resources of critical importance to the Shoshone-Bannock Tribes (ICCNAC 1992). Fort Hall was later incorporated into the Fort Hall Indian Reservation (Shallat 1995).

The U.S. government negotiated the Fort Bridger Treaty with the Eastern Band of Shoshoni [*sic*] and Bannocks in 1868, with the Tribes retaining the right to use all unoccupied land in the U.S. The U.S. government later consolidated the three Bannock bands and the Western Shoshone onto the Fort Hall Reservation. The Bannocks were promised their own reservation in the future, but that reservation was never established. The Bannock Tribe has contested the lack of their own reserved lands, which were promised in the 1868 treaty (Forest Service and BLM 1997; ICCNAC 1992).

In the northern part of the territory were the Mountain Lemhi Shoshone, who wintered along the Lemhi River, a tributary of the SFSR. The Lemhi depended heavily on salmon runs in the Salmon River system for their subsistence. Fish were harvested either individually by harpoon or utilizing weirs across stream channels, basket traps, or seines and hand nets (Murphy and Murphy 1986). The central Idaho and western Montana gold discoveries of the 1860s brought thousands of prospectors into Lemhi territory leading to increased resource competition, tribal displacement, rising tensions, and other hardships for the Lemhi, who were parties to an unratified treaty in 1868. The Lemhi Shoshone living on a small reservation, succumbed to U.S. government pressure in 1907 to move to the Fort Hall Reservation. The Dukudeka or the Mountain Shoshone lived in the mountains of central Idaho. Unlike the Lemhi and other Shoshone bands, this band did not acquire horses early on in the 1700s. Once the Dukudeka had horses, they joined with the Mountain Lemhi Shoshone (Forest Service and BLM 1997; Madsen 1999).

The Indian Reorganization Act of 1934 enabled the Shoshone-Bannock Tribes to establish a system of government operating under a constitution approved in 1936 (ICCNAC 1992; Shoshone-Bannock Tribes 2020). Today the Shoshone-Bannock Tribes are self-governed by the Fort Hall Business Council. This council consists of seven elected tribal members who serve two-year terms and maintain authority over all business procedures and matters of self-government. Today 97 percent of the 544,000 acres of lands on the Fort Hall Reservation are owned by the Shoshone-Bannock Tribes or by individual tribal members (Forest Service and BLM 1997; Shoshone-Bannock Tribes 2020).

Article 4 of the Fort Bridger Treaty affords off-reservation rights to the Shoshone-Bannock Tribes on "unoccupied lands" of the United States. The Shoshone-Bannock Tribes exercise their off-reservation treaty rights by organizing hunting and fishing expeditions in "unoccupied lands" such as the analysis area and in adjoining western states beyond Idaho (State of Montana 2020). The Supreme Court has upheld tribal rights to hunt on unoccupied lands of the United States (Herrera vs. Wyoming 2019). The Shoshone-Bannock Tribes manage fish and wildlife populations, their habitats including watersheds such as the Salmon River basin through rehabilitation and hatchery programs that help reestablish fish runs decimated by mining, logging, forest fires, irrigation, and overgrazing (Polissar et al. 2016; Shoshone-Bannock Tribes 2020; Walker 1993).

The SGP lies outside of the Fort Hall Reservation but within the Shoshone-Bannock Tribes' traditional use area. During tribal consultations, tribal members have conveyed the cultural significance of the analysis area for their people. Undeveloped portions of the Boise and Payette National Forests are considered unoccupied federal lands on which the Shoshone-Bannock Tribes exercise their tribal treaty rights. It is the Shoshone-Bannock Tribes' philosophy that the protection and enhancement of their culture is directly tied to the exercising of tribal treaty rights, such as on and off reservation hunting and fishing,

as it is through these activities traditional knowledge such as prayers, songs, stories, and practices are transmitted from generation to generation (Shoshone-Bannock 2015).

Landscapes and natural resources play an integral part in tribal spirituality, culture, and religious ceremonies. Items such as sweet sage and tobacco made from a variety of plants are used in ceremonies. The Shoshone-Bannock Tribes gather many plants for medicinal purposes, including chokecherry, sagebrush, and peppermint. A myriad of other plants are gathered for food and to provide shelter. Plants, rocks, clays, and other resources are also used for ceremonies, ornamentation, and shelter. The Shoshone and Bannock bands hunt and utilize buffalo, elk, deer, bighorn sheep, moose, upland game birds, and small mammals. Salmon fishing is an integral part of Shoshone-Bannock history and culture. Geysers, thermal pools, and other water features are also utilized heavily by the Shoshone-Bannock peoples (Probert 2004).

The Shoshone-Bannock have conveyed in their ethnography and during tribal consultations that the Thunder Mountain Road and the Burntlog Route are part of a travel route system used by the Tribes (Shoshone Bannock Tribes 2020). Historically, the Middle Fork of the Salmon River is a significant area and the tributaries of the East Fork SFSR were utilized for many activities and provided a communication network between the Weiser Band and the Lemhi.

6.1.3 Shoshone-Paiute Tribes

Ancestral bands of Western Shoshone and Northern Paiute traveled in small groups over a vast territory centered around southern Idaho, northern Nevada, and southeastern Oregon (Fowler and Liljeblad 1986; Thomas et al. 1986). The core subsistence areas of the Northern Paiute/Northern Shoshone-Bannock and the Western Shoshone were separated by the high ground dividing the Snake and Humboldt river drainages. Formerly each group travelled throughout different yet overlapping regions.

The Northern Paiute lived in two major bands in territories centering on the upper Snake and Owyhee Rivers, respectively. They used many of the same fishing and camas collection areas as the Shoshone-Bannock Tribes. The arid Paiute territory contained fewer subsistence resources than the Shoshone-Bannock Tribes' territory, except in the river valleys (Walker 1982). They necessarily relied more on plant foods such as sunflowers, wada seeds, currants, and huckleberries, plus small animals and insects. These traditional resources are still important to the Shoshone-Paiute Tribes. Much time was spent pursuing food based on seasonal cycles. In May, they left winter villages to gather roots and prepare salmon traps. At the end of the salmon runs, people dispersed to hunt and gather plants and insects. Communal rabbit and antelope drives, and wada seed gathering occurred in early fall. By November, food had been stored and the people returned to the winter villages. Homes were typically conical frame structures with tule mat coverings, but domed earth covered such as pit house structures were used as well, along with temporary shelters in the summer such as tripod framed structures or wikiups and caves (Walker 1982, 2019).

The Western Shoshone were composed of various bands who traveled in small groups over a vast territory centered around southern Idaho and northern Nevada following seasonal routes to procure food. The bands were often named for their principal foods. Camps were shared, and bulkier items would be left in the camps or winter villages for communal use. Both the Western Shoshone and the Paiute were somewhat isolated by the Rocky Mountains and the Great Basin and did not encounter Euroamericans in their territory until the 1820s, but by the 1840s Euroamericans were traversing Shoshone and Paiute territory to reach the California gold mines. At first relationships were amicable, but conflicts ensued as use of the California Trail increased and the Shoshone-Paiute Tribes' lands were depleted of traditional animal and plant resources (ICCNAC 1992; Shoshone-Paiute Tribes 2020). Travelers using the California

Trail urged Congress to provide protection, and the U.S. government responded by sending agents to make treaties with the Shoshone, the Paiute, the Bannock, the Ute, and the Goshute. However, this did not solve the conflict, because the first treaty in 1855 was not ratified by Congress and was never recognized. Frustrated and lacking needed resources, the Western Shoshone and the Paiute fought back, and the U.S. government established military forts at Fort Halleck, Fort Ruby Valley, and Fort McDermitt. In 1863, the Western Shoshone signed the Treaty of Ruby Valley but did not cede lands to the U.S. government as part of this peace treaty.

The creation and subsequent expansions of the Duck Valley Indian Reservation relocated bands of Northern Paiute, Northern Shoshone, and Bannock people. In 1877, the Duck Valley Reservation was set aside by EO for several Western Shoshone bands who traditionally lived along the Owyhee River of southeastern Oregon, in southwestern Idaho, and along the Humboldt River in northeastern Nevada. At that time, Shoshone leader Captain Sam said this location was ideal as it was plentiful with game and fish, there was good farmland, and abundant timber (Shoshone-Paiute Tribes 2010). Later, they were joined by Paiute from the lower Weiser country of Idaho and independent Northern Paiutes from Fort McDermitt, Camp Harney, and Quinn River and from the Owyhee region of southwestern Idaho, who settled on the reservation and took up farming and ranching. The reservation was expanded on the north side by another EO in 1886 to include a Northern Paiute group, Paddy Cap's Band, who arrived in 1884 after being released from the Yakama Reservation (Forest Service and BLM 1997). A third expansion occurred in 1910 (Shoshone-Paiute Tribes 2020). The Shoshone and Paiute united at Duck Valley under the Indian Reorganization Act of 1934 and formed a tribal government through a constitution and bylaws which was adopted in 1936 (Shoshone-Paiute 2021).

Today, the Duck Valley Reservation encompasses approximately 294,000 acres. A lack of water on the reservation was an issue for farming, and the need for a dam and reservoir was recognized as early as the 1880s. Requests were ignored by the federal government for many years, and construction of a dam and reservoir (Wildhorse Reservoir) was not completed until 1937 as part of the Duck Valley Irrigation Project. The Shoshone-Paiute Tribes are governed by a Tribal Business Council made up of seven elected tribal members who serve three-year terms (Forest Service and BLM 1997; Shoshone-Paiute Tribes 2020).

Various ratified and unratified treaties were made with ancestral bands of the Duck Valley Reservation, which have led to currently unresolved land claims and off-reservation rights (McDonald 2009). Many Shoshone-Paiute tribal members today have ancestors in more than one aboriginal group and many are multilingual (Forest Service 2003b). Individuals therefore maintain interests in the territories of more than one group. Management of resources, such as water, fish, and wildlife, are of importance to the Shoshone-Paiute Tribes (Harrison 2015; Shoshone-Paiute Tribes 2020).

The SGP lies outside of the Duck Valley Reservation but within the Shoshone-Paiute Tribe's traditional use area.

6.1.4 Tribal Interests

The existing conditions in the context of Native Americans refers to the reserved rights tribes have in the analysis area and how these rights are being exercised. Each of the federally recognized tribes with interests in the analysis area bring their own language, traditions, and religion to the area. Since time immemorial, access to and availability of natural resources has been crucial to the survival of indigenous communities, and these resources still have a major role in the subsistence, culture, religion, and economy of the tribes. Many places were visited during a yearly cycle of seasonal migrations to collect food, medicines, and other materials for sustenance, as well as for religious practices and social gatherings.

The gathering of these resources is still a significant part of the individual cultures of the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes. Tribes maintain an active role in the protection and restoration of various species of plants, wildlife, and fish and their habitats. In NFS lands of Idaho, resource use of forest products is tied to personal, traditional, economic, and spiritual purposes, including fishing, particularly for anadromous fish, hunting big game, gathering plants for consumption and for basketry, as well as roots, berries, and harvesting wood products for teepee poles, firewood, and sweat lodges (Forest Service 2003b).

Ethnographic studies undertaken by individual Tribes for the SGP (Nez Perce Tribe [Battaglia 2018]; Shoshone-Bannock Tribes [Lahren 2020]; Shoshone-Paiute Tribes [Walker 2019]), public scoping comments and documents, comments on the DEIS, and government-to-government consultation between the Forest Service and Tribes have identified existing conditions and tribal concerns in the analysis area.

Many fish, wildlife and plant species were and are traditionally utilized by regional tribes and bands of this region for subsistence, ceremonial, medicinal, and other uses (Battaglia 2018; Hunn et al. 1998; Lahren 2020; Walker 2019). Culturally important species of fish, wildlife, and plants are present in the analysis area, and the Forest Service is continuing to consult with the Tribes about these tribal resources of concern. In regard to federal trust responsibilities and resources of concern, known resources of interest to the Tribes are presented in the following sections.

6.1.4.1 Tribal Historical/Archaeological Sites

As a result of heritage resource inventories and background research conducted in compliance with the NHPA, a number of historical and archaeological sites that may have importance to Tribes have been identified within the SGP analysis area. For purposes of the Section 106 consultation and to provide a framework within which to identify potential heritage resources of importance, two APEs were developed for the SGP; a physical effects APE which generally constitutes those areas where ground disturbing activity may occur and a visual, auditory, and vibratory APE which comprises a broader area in which non-physical, or indirect effects may occur. These APEs are wholly contained within the tribal analysis area.

Project-specific heritage resource inventories have been conducted in the APE for physical disturbances to identify historical and archaeological sites. Additional previously recorded heritage resource data was gathered from the Idaho SHPO to identify historic properties within both the physical APE and the visual, auditory, and vibratory APE. This information is presented in detail in the Heritage Resources Specialist Report (Forest Service 2022b). In summary, 36 heritage sites with archaeological components have been identified within the APEs and thus the tribal analysis area. Of this total, 15 are located within the physical APE for the SGP and the remainder are located within the visual, auditory, and vibratory APE.

6.1.4.2 Sacred Sites or Places, Traditional Cultural Properties, Cultural Landscapes

Consideration for non-archaeological tribal resources including sacred sites or places, TCPs, and CLs, is also a component of review during the NEPA process and is the responsibility of the lead federal agency when evaluating an undertaking.

EO 13007 directs federal land-managing agencies to accommodate Native Americans' use of sacred sites for religious purposes and to avoid adversely affecting the physical integrity of sacred sites. Federal agencies managing lands must implement procedures to ensure reasonable notice where an agency's

action may restrict ceremonial use of a sacred site or adversely affect its physical integrity. The Forest Service is consulting with the Tribes regarding potential sacred sites or places in the analysis area.

A TCP, as defined in the NHPA, is a property that is eligible for inclusion on the NRHP “because of its association with cultural practices or beliefs of a living community that are rooted in that community’s history and are important in maintaining the continuing cultural identity of the community” (Parker and King 1994). Stated another way, a significant TCP is defined as a property with “significance derived from the role the property plays in a community’s historically rooted beliefs, customs, and practices” (Parker and King 1994).

The National Park Service (NPS) defines a CL as a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. Cultural landscapes are generally one of four types: vernacular, designed, historic site, or ethnographic (NPS 2021). Ethnographic studies have been completed for the SGP by the Nez Perce Tribe (Battaglia 2018), the Shoshone-Paiute Tribes (Walker 2019), and the Shoshone-Bannock Tribes (Lahren 2020) to assist in identifying TCPs and CLs, as defined by the NPS. The Forest Service is in ongoing consultation with Tribes regarding potential TCPs and CLs in the analysis area.

Landscape features noted in the Nez Perce Tribe’s ethnography (Battaglia 2018) as having specific significance include: viewsheds and soundscapes, water and waterways, minerals, culturally modified trees, hot springs, trails, and travel corridors. The Nez Perce Tribe’s ethnography identifies TCPs located within the analysis area (Battaglia 2018). The Payette National Forest is consulting with the Tribe to document and evaluate a TCP District for its eligibility to be listed on the National Register of Historic Places.

The South Fork Salmon River and broader area is described in the Shoshone-Bannock Tribes’ ethnography (Lahren 2020) as a CL that supports the hunting of salmon, gathering food, collecting berries, harvesting medicinal plants, and hunting big and small game, among other cultural practices. The Payette National Forest is consulting with the Tribes to identify TCPs or CLs in the analysis area and to document properties and determine their eligibility for listing on the National Register of Historic Places.

Landscape features noted in the Shoshone Paiute Tribes’ ethnography (Walker 2019) as having specific significance include: buttes; rock features and rock alignments; springs and hot springs; trails and travel routes; river and stream canyons; rock structures; valleys; caves and rock shelters. The Payette National Forest is consulting with the Tribes to identify TCPs or CLs in the analysis area and to document properties and determine their eligibility for listing on the National Register of Historic Places.

6.1.4.3 Traditional Use Sites

In addition to the tribal use and management of fish, wildlife, and plant resources, there are areas throughout the PNF and the BNF that have traditional, cultural, and spiritual significance to the Tribes (Battaglia 2018; Walker 2019; Lahren 2020). Usual and accustomed fishing places have been documented throughout the area (Greiser 1998). The use and protection of these areas by the Tribes is a way of maintaining the link between their continuing culture and their ancestors. Areas with more than one type of significance to the Tribes often include locations such as hot springs, waterfalls, trails, rock art panels, and traditional gathering areas; it has been identified that the interconnectedness of these resources across the landscape is important. Other landscape features of importance include high points, such as mountain tops and ridgelines that have religious significance and are used for spiritual practices. Archaeological findings, information gathered during tribal consultations, and ethnographic studies from the Nez Perce

Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes convey and identify that traditional use sites are located in the analysis area, although exact locations are not public information (Battaglia 2018; Lahren 2020; Walker 2019).

Tribally significant travel corridors and waterways have been identified in the analysis area including portions of the historic Old Thunder Mountain Road route (FR 440), portions of the historic Burnt Log Road route (FR 414), the East Fork SFSR watershed and its tributaries, and the Riordan Lake shore. Traditional plant gathering and natural mineral site locations or collection areas within the analysis area also were cited as important to the Nez Perce Tribe in the ethnography, but exact locations of these gathering areas have not been shared. Specific species of plants and animals identified in the ethnographies are listed in **Sections 6.1.4.8** and **6.1.4.10**.

Named places of importance to the Nez Perce Tribe as identified in the ethnography (Battaglia 2018) include: East Fork SFSR and Stibnite Mine; Johnson Creek; Yellow Pine, Idaho; Riordan Lake; Middle Fork of the Salmon River; South Fork of the Salmon River; Buckhorn Creek; Camp Creek; Cougar Creek; Fourmile Creek; Blackmare Creek; Penny Springs/Creek; Dollar Creek; Six-bit Creek; Two-bit Creek; Trail Creek; Bear Creek; Lodge Pole Creek; Poverty Flats; Phoebe Creek; Profile Creek; Caton Creek; Reagan Creek; Parks Creek; No Man's Creek; Stibnite Creek/Meadow Creek; Salt Creek; Pepper Creek; Sugar Creek and Cane Creek; Lemhi Creek; Tamarack Creek; Warm Lake; Elk Meadow; and Long Valley.

Places of importance identified in the Shoshone-Bannock Tribes' ethnography (Lahren 2020) include: South Fork Salmon River; Bear Creek; Blackmare Creek; Buckhorn Creek; North Fork Buckhorn Creek; East Fork SFSR; Johnson Creek; Burntlog Creek; Riordan Creek; Sand Creek; Trapper Creek; Profile Creek; Elk Creek; West Elk Creek; Fitsum Creek; and North Fork-Fitsum Creek.

Places of importance identified in the Shoshone-Paiute Tribes' ethnography (Walker 2019) include: South Fork Salmon River; Middle Fork of the Salmon River; Bear Creek; Blackmare Creek; Buckhorn Creek; North Fork of Buckhorn Creek; East Fork SFSR; Profile Creek; Johnson Creek; Burntlog Creek; Riordan Creek; Sand Creek; and Trapper Creek.

6.1.4.4 Land Status and Access

Much of the SGP is on NFS land administered by the PNF and BNF and is mostly unoccupied federal lands; therefore, most lands are available for treaty rights use as stated in the various treaties and executive orders (**Section 3.1.1**). Usual and accustomed fishing places are also available. There are tribal concerns regarding the loss of unoccupied federal land which diminishes the area available to exercise treaty rights as well as loss of access to usual and accustomed fishing places.

The SGP Operations Area Boundary is composed of lands administered by the Forest Service and private lands; it includes both patented and unpatented mining claims. The SGP Operations Area Boundary currently contains over 850 acres of previous mining disturbance in the form of open pits, tailings, and development rock storage facilities. Some restoration and remediation activities have taken place, but extensive disturbance remains. Long-term mine operations have been the dominant land use within the Operations Area Boundary.

The transportation network in the analysis area includes State Highway (SH) 55, Valley County roads, and NFS roads. Valley County maintains Warm Lake (CR 10-579), Johnson Creek (CR 10-413), and McCall-Stibnite (CR 50-412) roads on NFS lands through easements. Additional details regarding access

and the transportation system are provided in the Access and Transportation Specialist Report (Forest Service 2022c).

Public access through the SGP area is currently allowed and used for dispersed recreation and access to surrounding areas for recreation. The Burntlog Route would include the existing 20 miles of Burnt Log Road, which currently does not extend into the SGP area. The Johnson Creek Route would include the Johnson Creek Road and the Stibnite portion of the McCall-Stibnite Road. There are tribal concerns about continued access to usual and accustomed places in which Tribes exercise their rights. Currently, there are no tribal access restrictions on the Forest Service lands in the SFSR watershed. Tribes access their usual and accustomed fishing places, hunting areas, and plant gathering areas consistent with their reserved rights.

6.1.4.5 Water Resources

The analysis area includes lands in the East Fork SFSR watershed. These waters support fisheries in area streams and rivers. A detailed discussion of water resources is located in the Water Quality Specialist Report (Forest Service 2022d). As noted in **Section 3.1.1**, the 1863 Treaty with the Nez Perce Tribe reserved the use of springs and fountains as well as perpetual rights-of-way to and from them. The definition of fountain is “a spring or source of water; the source or head of a stream” (Dictionary.com 2022). Tribal concerns include access to treaty resources including water. Further, impacts to water quality and or quantity affect wildlife, fisheries, and plants, and therefore treaty resources.

The Greiser Affidavit (1998) identifies streams with usual and accustomed fishing places in a region that includes the analysis area. In the vicinity of the Operations Area Boundary and disturbance associated with access roads under the 2021 MMP and Johnson Creek Route Alternative, the following identifications were made:

- Johnson Creek was identified as a usual and accustomed fishing place. The identification in upstream portions of Johnson Creek was based on archeological, ethnographic, and historical references while the portions of Johnson Creek near its confluence with the East Fork SFSR were based on identification by Nez Perce elders.
- Sugar Creek was identified as a usual and accustomed fishing place based on identification by elders.
- Intermittent reaches of the East Fork SFSR in the Operations Area Boundary, above the confluence with Sugar Creek were identified as usual and accustomed fishing places based on identification by elders.
- Other tributaries to the East Fork SFSR in the Operations Area Boundary were not identified as usual and accustomed fishing places (e.g., Meadow Creek, Blowout Creek, Rabbit Creek, Garnet Creek, Fiddle Creek, Midnight Creek, Hennessy Creek, West End Creek).
- There are more than 100 seeps and springs in the Operations Area Boundary that are not contiguous with the creek locations. These springs were not identified as usual and accustomed fishing locations. These locations are shown in Figure 6-5 of the Water Quantity Specialist Report (Forest Service 2022e).

6.1.4.6 Wetlands

Numerous wetland resources were identified in the Operations Area Boundary and adjacent areas throughout the analysis area, as described in the Wetlands Specialist Report (Forest Service 2022f). Wetlands provide important ecological functions for associated streams and rivers. Related riparian areas not only shade stream corridors and improve water quality, but they also provide migratory corridors for wildlife and important habitat for terrestrial and avian wildlife. Tribal concerns include that impacts to wetland and riparian areas are impacts to fisheries, wildlife, and vegetation habitat and therefore treaty resources.

6.1.4.7 Fisheries

Culturally important fish species in the analysis area include Chinook salmon (*Oncorhynchus tshawytscha*), steelhead trout (*Oncorhynchus mykiss*), bull trout (*Salvelinus confluentus*), westslope cutthroat trout (*Oncorhynchus clarki lewisi*), mountain whitefish (*Prosopium williamsoni*), Pacific lamprey (*Lampetra tridentata*), longnose dace (*Rhinichthys cataractae*), speckled dace (*Rhinichthys osculus*) and western pearlshell mussel (*Unionida*) (Battaglia 2018; Walker 2019).

Tribal salmon harvest areas include the mainstem SFSR, Secesh River, Lick Creek, Johnson Creek, and the East Fork SFSR and other tributaries with traditional fishing locations have been identified above in **Section 6.1.1** (Battaglia 2018; Nez Perce Tribe 2019). The Nez Perce Tribe expends millions of dollars annually restoring Chinook salmon runs in the East Fork SFSR and the SFSR through hatchery supplementation, fishery research, and watershed restoration. Imperiled stocks of spring/summer Chinook salmon, steelhead, and bull trout, and designated critical habitat including the upper East Fork SFSR up to the Yellow Pine pit lake at Stibnite, are of particular interest (Nez Perce Tribe 2019). The Tribes' concerns regarding fisheries extend to their restoration efforts being disrupted by the SGP and associated activities, including reduced access to perform fishery restoration.

Further, the Shoshone-Bannock Tribes, in conjunction with federal agencies, have developed fishery and wildlife projects that are being implemented within the Salmon and Upper Snake River sub-basins, including a conservation hatchery and satellite facility to expand chinook salmon and steelhead supplementation projects, among others (Shoshone-Bannock Tribes 2020). The Salmon River Habitat Enhancement Project's goal is to monitor Chinook salmon and steelhead populations and evaluate their response to habitat actions in the Salmon River Basin (Shoshone-Bannock Tribes and FCRPS Action Agencies 2008).

Specific information regarding fisheries is presented in the Fisheries and Aquatic Habitat Specialist Report (Forest Service 2022g).

Tribal concerns include salmon runs, salmon habitat, and tribal subsistence. The Tribes are concerned that the SGP would undo their fisheries restoration efforts and further jeopardize fish populations. Concerns include the loss of traditional fishing grounds and loss of harvest amounts.

6.1.4.8 Vegetation

Specific information regarding vegetation in the SGP area can be found in the Vegetation Specialist Report (Forest Service 2022h). Some of the culturally important plant species of interest for the analysis area include Huckleberry (*Vaccinium* sp.), Bitterroot (*Lewisia rediviva*), Grouseberry (*Vaccinium scoparium*), Camas (*Camassia quamash*), chokecherry (*Prunus* spp.), Gooseberry (*R. oxyacanthoides saxosum*), Thimbleberry (*Rubus parviflorus*), elderberry (*Sambucus racemosa*), currants (*Ribes* spp), Kinnickinick (*Arctostaphylos uva-ursi*), Beargrass (*Xerophyllum tenax*), Dogbane (*Apocynum*

cannabinum), subalpine fir (*Abies lasiocarpa*), Yampah (*Perideridia gairdneri*), whitebark pine (*Pinus albicaulis*), limber pine (*Pinus flexilis*), lodgepole pine (*Pinus contorta*), bent-flowered milkvetch (*Astragalus Vexilliflexus*), Horsetail (*Equisetum* sp.), Pinemoss (*Alectoria* spp.), Lomatia (*Lomatium cous*), wild onion (*Allium* spp.), yarrow (*Achillea millefolium*), Indian Tea (*Rhododendron groenlandicum*), Mariposa Lily (*Calochortus*), Elk thistle (*Cirsium geyeri*), Penstemon sp., Biscuitroot (*Eriogonum* sp.), Oregon grape (*Mahonia aquifolium*), Mormon tea (*Ephedra viridis*), rabbitbrush (*Chrysothamnus nauseosus*), sagebrush (*Artemisia* spp.), Syringa (*Philadelphus lewissii*), and wild carrot (*perideridia* sp.) (Battaglia 2018; Walker 2019; EWMP 2014).

Whitebark pine is currently federally proposed as a threatened species. Approximately 2,069 acres of occupied whitebark pine habitat were identified within the analysis area for vegetation resources (Forest Service 2022h). Limber pine habitat has also been documented as it is often coterminous with the whitebark pine habitat; both species thrive at high elevations and in harsh conditions. Although limber pine has no listing status in the state of Idaho, mature limber pine trees are uncommon in the surrounding Forests, and this may be the only documented population of this species on the PNF (Forest Service 2022h). Lodgepole pine and subalpine fir are common in the vegetation analysis area.

There is one known occurrence of sweetgrass, a Forest Service sensitive species, located along the Burntlog Route, as well as one known occurrence of bitterroot, also a Forest Service sensitive species, located in the transmission line corridor. Sweetgrass rarely occurs on the Boise and Payette National Forests. Both sweetgrass and bitterroot area traditional and culturally significant plants for the Plateau and Great Basin tribes.

Plants and trees not only provide food but are utilized for shelters, baskets, and firewood. Teepees and sweat lodges are constructed from lodgepole pines. Tribal concerns include that traditionally gathered plant species documented in the SGP and surrounding area would be negatively impacted by the SGP including reduced ecosystem and plant community health or loss of habitat to treaty resources.

6.1.4.9 Noxious Weeds and Invasive Species

There is Tribal concern about non-native vegetation replacing native vegetation. Noxious weeds and non-native plant species have been documented in the SGP area and surrounding area in Valley County, Idaho. Noxious weeds and non-native plants are commonly found along roads and in other areas disturbed by soil movement or vegetation clearing. See the Vegetation Specialist Report (Forest Service 2022h) for detailed information on noxious weeds and invasive species.

6.1.4.10 Wildlife

Detailed information regarding wildlife resources can be found in the Wildlife Specialist Report (Forest Service 2022i). Culturally important wildlife species in the analysis area include bighorn sheep (*Ovis canadensis*), North American wolverine (*Gulo gulo*), gray wolf (*Canus lupus*), elk or wapiti (*Cervus canadensis*), mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), moose (*Alces alces*), black bear (*Ursus americanus*), coyote (*canis latrans*), and a wide array of raptors, owls, waterfowl, upland game birds, small mammals, invertebrates, and other species (Battaglia 2018; Walker 2019). Tribal restoration efforts have included improving suitable habitat for bighorn sheep and gray wolf populations (Nez Perce Tribe 2020b).

Bighorn sheep occupy rugged canyons, foothills, and mountainous terrain in the analysis area. Wolverines have been documented in the PNF and BNF in general and the analysis area. The Shoshone-Paiute Tribes during tribal consultations have conveyed the specific cultural significance of wolverines. Gray wolves are habitat generalists with large pack territories; their range is related to availability of prey species,

including deer, elk, and, less commonly, moose, bighorn sheep, and domestic stock. Gray wolves are also well documented in the analysis area including in the FCRNRW. Mule deer have been observed frequently in and near the analysis area.

Tribal concerns include direct impacts to wildlife populations and habitat loss as a result of the proposed SGP activities and there are indirect impact concerns regarding increased public access to currently “inaccessible” areas which could affect wildlife and other tribal resources, as well as impact solitude.

6.1.4.11 Treaty Rights Access

The Tribal interpretation of “access” to exercise treaty rights goes beyond the concept of simple entry into an area by vehicle or foot. “Access” also includes continued availability of the traditional natural resources in an area. Therefore, the tribal interpretation of loss of access extends to the exclusion, limitation, or unavailability of the traditional resources due to mining disturbance, associated infrastructure, and road construction. It would also presumably apply to the displacement of wildlife in those areas.

The Tribes are concerned with fish, wildlife, and plant populations’ health, retaining access on federal lands, continued availability of resources of concern, and access to their usual and accustomed fishing areas in order to exercise Tribal treaty rights. The Tribes assert their authority and responsibility to advocate for species and habitat health as well as preserving their treaty rights for future use of lands and resources to ensure future opportunity.

6.1.4.12 Noise

Ambient noise levels in the analysis area are generally low. Rural communities or unpopulated lands are generally quiet but noise can be sporadically elevated by activities such as road traffic, air traffic, gunshots from hunting, or blasting from mining or avalanche control. Noise levels in the analysis area are highest in the urban areas (i.e., Cascade) adjacent to major transportation routes (i.e., SH 55). Along transmission lines, noise can include corona noise in the sound form of crackling or hissing. Additional details about noise and ambient noise levels around components of the SGP is presented in the Noise Specialist Report (Forest Service 2022j). Tribal concerns regarding noise include noise health stressors affecting wildlife as well as noise impacts to tribal experiences in traditional use areas.

6.1.4.13 Visual Resources

The analysis area is characterized as a mountain landscape broken occasionally by wide valleys with flat or hilly floors below mountain crests. In most instances, the valleys are narrow, rugged gorges. Tall, dense evergreen trees create a dark green visually dominant color throughout the area. Light grey rock outcroppings and boulder fields are scattered throughout the landscape at higher elevations. Historical mining and human development are discernable and have impacted visual resources in the analysis area.

Human development is noticeable throughout the analysis area including roads, trails, fences, utility lines, and airstrips. Other structures include cabins, residences, barns, and outbuildings. Historic mining disturbances, such as access roads, historic mining pits, waste rock disposal areas, heap leach pads, and a spent ore disposal area, are present at the SGP. The East Fork SFSR flows through the mine site and forms a human-made lake at the bottom of the existing Yellow Pine pit with riparian vegetation along some areas of the pit wall. Additional details about visual resources in the analysis area is presented in the Scenic Resources Specialist Report (Forest Service 2022k). Tribal concerns include visual impacts as a result of the SGP proposed actions that would impact tribal experiences in traditional use areas.

6.1.4.14 Recreation

Summertime recreation opportunities such as hunting, fishing, hiking, paddle boating, camping, and horseback riding are popular throughout the analysis area with opportunities available at developed facilities, such as campgrounds and trails, and at dispersed locations, such as dispersed camping areas and specially designated areas including inventoried roadless areas, the nearby FCRNRW, and suitable Wild and Scenic Rivers. Warm Lake is a destination for water-related recreation, such as boating and swimming. Backpacking and pack trips are popular in the Big Creek area and from trailheads into the FCRNRW. Fishing opportunities are available throughout the analysis area, particularly at Johnson Creek, Warm Lake, SFSR, and East Fork SFSR, for species such as salmon, steelhead, whitefish, and trout. There are numerous trails open to motorized use including in inventoried roadless areas. Snowmobiling is popular in the winter with groomed over-snow routes branching off plowed main roads. Additional details about recreation opportunities and facilities are presented in the Recreation Specialist Report (Forest Service 2022l).

Tribal hunting, fishing, pasturing, and gathering rights, reserved by the respective treaties and executive orders, need no state regulations or permits to be exercised by tribal members. Federal agencies recognize that the Tribes regulate their own tribal members for hunting and fishing. Tribal members are not required to secure state hunting or fishing permits within Forest Service lands.

6.1.4.15 Air Quality

Specific data regarding air resources is located in the Air Quality Specialist Report (Forest Service 2022m). All lands within the air quality analysis area have been designated Class II for National Ambient Air Quality Standards (NAAQS). The air quality in the vicinity of the SGP is good to excellent because of its remote location, and relatively limited industrial activity in the area. Air quality is designated as in attainment for all NAAQS and Idaho Ambient Air Quality Standards.

Tribal concerns in relation to air quality include environmental and human health issues caused by air pollution, as well as concerns that air pollution reduces visibility which can impair cultural and ceremonial practices and reduce enjoyment of traditional use sites and special places.

6.1.4.16 Socioeconomics

Baseline information regarding socioeconomics is presented in the Social and Economic Conditions Specialist Report (Forest Service 2022n). There is limited available published information on use of the analysis area by tribal members. A 2015 economic study (Peterson 2015) reported the impacts of five Tribes on Idaho's economy, including the Nez Perce Tribe, the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes. The study notes that the Nez Perce Tribe's Fisheries Restoration Program is the largest in the U.S. (Peterson 2015). However, the report contains few other details relevant to the analysis area. The Nez Perce Tribe's Department of Fisheries Resources Management (DRFM) operates Fisheries Restoration Programs in the vicinity of the SGP such as the Johnson Creek Artificial Propagation Enhancement Project and its associated research program. Annual funding for the project and research is approximately \$1.5 million from a total annual operating budget of \$22 million and utilizes DRFM's staff labor from the total group of 200 employees (Nez Perce Tribe 2020). The project produces up to 110,000 Chinook salmon smolts annually for direct release into Johnson Creek while the research program examines smolt-to-adult return rates and the utilization of hatchery rearing of wild fish to supplement fish populations. There are additional tribal fisheries restoration efforts that include translocation of adult Chinook salmon from the SFSR to Meadow Creek. Spawning-ready adult Chinook salmon are periodically translocated from the SFSR to upstream of the Yellow Pine Pit lake barrier with support from the Nez Perce Tribe.

Traditional tribal land use occurs throughout the analysis area. The Tribes’ concerns include direct and indirect socioeconomic impacts from the loss of treaty-reserved rights as well as the losses resulting from the inability to engage in on-going fishery restoration activities in the area and restricted or denied harvest opportunities.

6.1.4.17 Environmental Justice

Environmental justice is considered to determine whether any disproportionately high and adverse human health or environmental effects to low-income, racial minority, and tribal populations may occur as a result of a federal action, in accordance with EO 12898. All three tribal reservations meet the definition of an environmental justice minority community based on their American Indian population and total minority population, which are meaningfully greater than Idaho’s statewide averages (**Table 6-1**). They also represent a community with environmental justice concerns because the percentage of their residents with annual incomes below the federal poverty level is meaningfully greater than Idaho’s statewide average (**Table 6-1**).

Table 6-1 Tribal Reservation versus State of Idaho Demographics

Geography	American Indian and Alaska Native	Total Minority¹	Below Federal Poverty Level
State of Idaho	1.1%	18.0%	8.1%
Nez Perce CCD ² , Nez Perce County, Idaho	35.2%	48.4%	19.8%
Duck Valley Reservation ³	83.9%	93.2%	32.3%
Fort Hall Reservation ³	58.4%	73.4%	21.9%

Table Source: Census 2017 (most recent data for Nez Perce CCD, Duck Valley Reservation, Fort Hall Reservation), Census 2019 (State of Idaho)

¹ Total minority equals total population minus the Non-Hispanic White population.

² CCD = Census County Subdivision – A county subdivision delineated cooperatively by the Census and local government authorities.

³ Census identified American Indian Reservation areas and populations.

EO 12898 directs federal agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife. Communities of color, low-income communities, tribes, and other indigenous peoples depend on healthy aquatic ecosystems and the fish, aquatic plants, and wildlife that these systems support to a greater extent and in different ways than does the general population (National Environmental Justice Advisory Committee [NEJAC] 2002). These resources are important not only for subsistence but are vital for cultural, traditional, or religious reasons (NEJAC 2002). Contamination or depletion of streams, rivers, and associated resources can impact these groups’ subsistence, economic, cultural, traditional, and religious practices. Details of the affected environment for wildlife and fish can be found in the associated specialist reports (Forest Service 2022i and 2022g), respectively. As noted in **Section 6.1.4.7**, tribal harvest activities occur along the mainstem SFSR, Secesh River, Lick Creek, Johnson Creek, and the East Fork SFSR (Nez Perce Tribe 2019). There are tribal concerns that the wildlife and fisheries impacts would disproportionately affect the Tribes compared to the general population.

6.1.5 Traditional Land Uses and Features

Tribal lifeways are intrinsically place-based. Watersheds, rivers, tributaries, plant-community and mineral gathering areas, and campsites have been described in the Tribes' ethnographic studies (Battaglia 2018; Lahren 2020; Walker 2019). The ethnographies identify some point specific "traditional use sites" and during tribal consultations only a few specific sites have been identified. This is due mostly to privacy issues. It is known that the NFS lands were, and are, used for traditional subsistence practices such as hunting, fishing, and gathering and for traditional activities such as ceremonies and religious practices. To protect the privacy of the Tribes, these activities are discussed and analyzed in general terms.

Traditional activities are still practiced today across the Forests and central Idaho. Fish harvest occurs in the SFSR and its tributaries, including the Secesh River, Johnson Creek, and the East Fork SFSR. Within the Operations Area Boundary portions of the East Fork SFSR and Sugar Creek have been identified as usual and accustomed fishing places (Greiser 1998). Nez Perce Tribe harvest activities in the SFSR focus on hatchery returns to an adult weir and trap located in the vicinity of Warm Lake (Nez Perce Tribe 2019). Other tributaries in the SFSR and East Fork SFSR watersheds have been identified as usual and accustomed fishing areas. Many tribal members hunt, fish, and gather plants for subsistence and medicine, in addition to collecting algae, minerals, driftwood, and other Forest resources to maintain their traditional way of life, customs, and culture (Battaglia 2018; Lahren 2020; Walker 2019).

Traditional campsites have been identified in the ethnographic studies; these sites are often utilized for subsistence purposes and are located in the analysis area. These campsites often contain historic material culture or artifacts and are often recorded by Forest archaeologists as historic properties eligible for listing on the National Register of Historic Places. Place names in Sahaptin or Numic languages are often associated with these types of sites along with other traditional locations, watershed, travel routes, and features on the landscape (Battaglia 2018; Lahren 2020; Walker 2019).

Culturally significant topographical features are not limited to, but include ridges, prominent points, and summits, such as Thunderbolt Mountain (8,658 feet above mean sea level [amsl]), Thunder Mountain (8,530 feet amsl) and the Meadow Creek Lookout area (8,830 feet amsl), where one can see the vast expanse of the landscape, including the rivers, creeks, and mountains. Undisturbed viewsheds and soundscapes are a critical component for tribal members' religious experiences that occur in these landscapes. Other notable features identified in the ethnographies include rock features and structures and springs and hot springs (Battaglia 2018; Lahren 2020; Walker 2019).

The Tribes use the Salmon River and its tributaries for travel and sustenance. Prior to Euro-American contact, the Tribes utilized specific travel routes or trails through the area. Some of these traditional travel routes were later used by Euro-Americans and became part of the network of trails between historic mining districts and boom towns. Some of these trails have become a part of the Forest Service trail system, while others have been further developed into roads, such as the Old Thunder Mountain Road (FR 440) which is also a historic tribal travel corridor that intersects with parts of the Burnt Log Road (FR 414) (Battaglia 2018; Lahren 2020; Walker 2019).

6.2 Consultation to Date

The government-to-government relationship between federal agencies and federally-recognized tribes is a special relationship based on Tribal Sovereignty. The Forest Service is conducting government-to-government consultation regarding the SGP with the following federally-recognized tribes: the Nez Perce Tribe; Shoshone-Bannock Tribes; and the Shoshone-Paiute Tribes. This consultation process was initiated with the Tribes through a notification letter from the Forest Service offering opportunities to participate in

formal government-to-government consultation, to participate in the NEPA process as a cooperating agency, to participate in the NHPA Section 106 programmatic agreement process, and/or to routinely receive information about the SGP.

The intergovernmental consultation process serves as the primary means for the federal agencies to carry out their trust responsibilities/obligations. Consultation is not a single event, but instead is an informed process leading to a decision. Although consultation is a formal legal process, consultation means different things to different tribes. It can be either a formal process of negotiation, cooperation, and policy-level decision-making between tribal governments and the federal government, or a more informal process. Tribal rights, ideas, and interests are discussed and considered or incorporated into the decision. Tribal consultation is an on-going relationship between agencies and Tribes, characterized by consensus-seeking approaches to reach mutual understanding and resolve issues. It may concern issues and actions that could affect the government's decision-making processes, or other tribal interests.

Consultation minimally serves five purposes:

- To identify and clarify issues;
- To provide for an exchange of existing information and identify where information is needed;
- To identify and serve as a process for conflict resolution;
- To provide an opportunity to discuss and explain the decision; and
- To fulfill the core of the federal trust obligation.

Because Native American tribes can be affected by the policies and actions of the Forest Service in managing the lands and resources under its jurisdiction, the Forest Service has a duty to consult with them on matters affecting their interests. Because of this government-to-government relationship, efforts were made to involve local tribal governments and to solicit their input regarding the SGP.

The Forest Service first notified Nez Perce Tribe cultural resource staff about the SGP on March 1, 2017. Formal consultation with the Nez Perce Tribe was requested and initiated on May 23, 2017. The Nez Perce Tribe formalized opposition to the SGP in a resolution passed by the Nez Perce Tribal Executive Committee (the governing body of the Tribe) on October 9, 2018 and announced opposition in a press release the same day. Despite formal opposition to the SGP, the Tribe continues to participate in the project-specific informal consultation process, including discussion on ways to avoid, reduce, or mitigate impacts.

The Forest Service introduced the SGP to Shoshone-Paiute Tribes tribal leadership during the Wings and Roots Program meeting (government-to-government consultation) on April 13, 2017.

The SGP was formally presented to the Shoshone-Bannock Tribes Fort Hall Business Council and also informally to tribal staff on July 26, 2017.

Cultural studies also referred to as ethnographies were conducted by the Tribes to aid identification of historic properties, sacred sites or places, TCPs, and CLs in the analysis area and potentially to mitigate impacts to historic properties, sacred sites or places, TCPs, CLs, and other cultural resources of tribal interest (Battaglia 2018; Lahren 2020; Walker 2019).

Updates are provided to each of these Tribes in an ongoing basis during project-specific ad hoc staff to staff consultation meetings; and the Forest Service will continue to engage in government-to-government consultation throughout the NEPA process.

The structure of formal government-to-government consultation is between tribal governing bodies (Executive Committee, Tribal Councils, Tribal Chairperson, traditional Chiefs, or those identified formally by a Tribe’s governing body as ‘representative’ of that Tribe’s interests) and Forest Service Line Officers. Staff-to-staff meetings usually include Forest Service technical specialists, tribal liaisons, and technical specialists.

The Shoshone-Paiute Tribes do not conduct informal consultation; however, they have professionally moderated meetings between the Tribal Business Council Chair and the Forest Service Line Officers, with other members of the Council and/or tribal staff occasionally attending as well.

U.S. Army Corps of Engineers (USACE) has been represented in an informal capacity in one or more project-specific Forest Service consultation meetings with each of the Tribes, to offer information on the Clean Water Act Section 404 permitting process.

The Nez Perce Tribe, Shoshone-Paiute Tribes, and Shoshone-Bannock Tribes were invited on April 30, 2020, to participate in development of a project-specific programmatic agreement (PA) and associated historic properties treatment plan and historic properties management plan, which are being prepared to mitigate potential impacts to heritage resources and address compliance with Section 106 of the NHPA.

In January 2022, the Nez Perce Tribe and the Shoshone-Paiute Tribes held respective government-to-government meetings with the Forest Service to discuss the tribal interests analysis area, areas of potential effect for the Section 106 of the NHPA, the PA process, the project timeline, and current status.

There have been ongoing staff to staff and government to government meetings between the Forest Service and the Tribes. A table summarizing consultation and coordination efforts from the beginning of the NEPA process, including communications associated with Section 106 of the NHPA, is provided in **Appendix A**.

7.0 Environmental Consequences

7.1 Impact Definitions

The impacts definitions for intensity, duration (FSH 1909.15, 152b), and context are provided in **Table 7-1**.

Table 7-1 Impact Definitions

Attribute	Term	Description
Intensity	Negligible	Impacts would result in a change in current conditions that would be too small to be physically measured using normal methods or would not be perceptible. There is no noticeable effect on the natural or baseline setting. There are no required changes in management or utilization of the resource.
Intensity	Minor	Impacts would result in a change in current conditions that would be just measurable with normal methods or barely perceptible. The change may affect individuals of a population or a small portion of a resource, but it would not result in a modification in the overall population, or the value or productivity of the resource. There are no required changes in management or utilization of the resource.

Attribute	Term	Description
Intensity	Moderate	Impacts would result in an easily measurable change in current conditions that is readily noticeable. The change affects a large percentage of a population, or portion of a resource which may lead to modification or loss in viability, value, or productivity in the overall population or resource. There are some required changes in management or utilization of the resource.
Intensity	Major	Impacts are considered significant. Impacts would result in a large, measurable change in current conditions that is easily recognized. The change affects a majority of a resource or individuals of a population, which leads to significant modification in the overall population, or the value or productivity of the resource. This impact may not be in compliance with applicable regulatory standards or impact thresholds, requiring large changes in management or utilization of the resource.
Duration	Temporary	Impacts that are anticipated to last no longer than 1 year.
Duration	Short-Term	Impacts that are anticipated to begin and end within the first 3 years during the construction phase.
Duration	Long-Term	Impacts lasting beyond 3 years to the end of mine operations and through reclamation, approximately 20 years.
Duration	Permanent	Impacts that would remain after reclamation is completed.
Context	Localized	Impacts would occur within the analysis area or the general vicinity of the Operations Area Boundary.
Context	Regional	Impacts would extend beyond the Operations Area Boundary and local area boundaries.

Intensity is the severity or levels of magnitude of an impact.

Duration is the length of time an effect would occur.

Context is the effect(s) of an action that must be analyzed within a framework, or within physical or conceptual limits)

7.2 Direct and Indirect Effects

The trust responsibility of the federal government includes an obligation to protect and preserve treaty rights resources. The Forest Service has a responsibility and obligation to consider and consult on potential effects to natural resources related to the Tribes' rights, uses, access, and interests under the federal laws, EOs, and the tribal specific treaties (**Section 3.1.1**). In addition, the NHPA and its implementing regulations (36 CFR 800), AIRFA, EO 13175: Consultation and Coordination with Indian Tribal Governments, and EO No. 13007: Indian sacred sites contain requirements for consulting with Tribes on the potential effects of federal actions on Tribal interests and Native American historic properties. The Native American Graves Protection and Repatriation Act (NAGPRA) requires that concerned tribes be consulted if human remains that may be Native American or objects of cultural patrimony are discovered. Consultation with the Tribes has yielded important issues regarding treaty resources that would potentially be affected by the SGP. Actions that change the land, restrict access, or alter the ability of tribes to exercise their treaty rights or affect the physical integrity of historic properties, sacred sites or places, TCPs, CLs, and/or other locations of traditional importance, are considered impacts.

Resources or issues of interest to the Tribes that could involve their traditional use or treaty rights include claims to usual and accustomed fishing areas, tribal historic and archaeological sites, sacred sites or places, TCPs, CLs, traditional use sites, fisheries, traditional use plants (including culturally significant plant species) and animal species, vegetation (including noxious and invasive, non-native species), air and

water quality, wildlife, access to lands and continued availability of traditional resources, land status, and the visual and sound quality of the environment. As reflected in the indicators listed previously, tribal concerns include potential changes in the quality and quantity of groundwater and surface water, traditionally valued vegetation (culturally significant plants), fish, and wildlife. Changes in quality of these resources may include decreased availability of vegetation, fish, and wildlife; changes in the natural setting of traditional resources that would diminish their value to traditional practices; diminished value of traditional hunting, fishing, and gathering areas; rendering of culturally important natural resources unavailable for harvest or consumption; and impairment of access to resource areas. Many of these resources or issues overlap with other resource concerns, but also must be considered in consultation with the Tribes.

7.2.1 No Action Alternative

Under the No Action Alternative, the current ability of Tribes to access NFS lands in the analysis area and specifically the mine area would not change. Project related ground disturbance, visual and audible impacts, and impacts to culturally significant subsistence resources including fish, wildlife, and plant species would not occur. Legacy impacts from historic mining of the area would not be reclaimed other than those identified in the Administrative Settlement Agreement and Order on Consent (ASAOC, EPA and USFS 2021). Currently, there are ongoing releases of hazardous substances, pollutants, and contaminants to surface water and groundwater at the mine site including elevated concentrations of antimony, arsenic, copper, lead, mercury, and cyanide. Most notable are elevated concentrations of arsenic and antimony. Past mining activities have also caused alterations to stream configurations and habitat including the Yellow Pine pit lake, sediment and tailings deposits, development rock dumps, and channel diversions. Legacy mining effects would continue to alter the nature and potential use of the usual and accustomed fishing places and springs. Activities under the ASAOC would include construction of stream diversion ditches to avoid contact of water with sources of contamination and removal of development rock and tailings from Meadow Creek or the East Fork SFSR that are currently impacting water quality.

The No Action Alternative would not preclude Perpetua from submitting another plan of operations in the future. Perpetua would continue to implement surface exploration and associated activities that have been previously approved on the NFS lands as part of the Golden Meadows Exploration Project, per the Golden Meadows Exploration Project Plan of Operations and the Golden Meadows Exploration Project Environmental Assessment (Forest Service 2015).

7.2.2 2021 MMP

The 2021 MMP would result in adverse impacts to some of the natural resources that the Tribes may utilize in the exercising of their treaty rights. Long-term, minor impacts would be associated with the disturbance or displacement of plant and wildlife species that are used for traditional purposes and subsistence. However, it is understood that any loss of the ability to implement treaty rights would be a major impact to the Tribes. The following analysis describes the effects to tribal rights and interests.

Information received from the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes' ethnographies indicate that areas, resources, and off-reservation rights of concern and importance include disruption of traditional practices, tribal worldview, fishing rights in the SFSR watershed, including the East Fork SFSR, Meadow Creek, Fiddle Creek, West End Creek, No Man's Creek, and Sugar Creek (Battaglia 2018; Lahren 2020; Walker 2019). Tribally significant travel corridors and waterways include portions of the historic Old Thunder Mountain Road (FR 440), portions of the historic Burnt Log Road, the East Fork SFSR watershed system which includes several tributaries, and the Riordan Lake shore. Traditional mineral and plant gathering locations or collection areas within the analysis area also were

cited as important to the Nez Perce Tribe, but exact locations of these collection areas have not been shared. Other landscape features of importance include Riordan Lake and prominent points on the landscape (e.g., mountain tops and ridgelines) that have religious significance, and traditional plant gathering locations or collection areas.

Quantifications (context, duration, and intensity) are assigned to the impacts to resources such as wildlife or water quality; however, it is difficult to quantify or otherwise determine the impact of a temporary to long-term loss of a right. In consultations with the Tribes, they noted that any loss of treaty rights is significant to them and could potentially affect all tribal members.

7.2.2.1 Tribal Historical/Archaeological Sites

Effects to tribal historical and archaeological sites could occur during all phases of the SGP including construction, operations, exploration, and reclamation. However, it should be noted that effects to historic and archaeological resources during the reclamation phase would likely be avoided because impacts associated with historic properties in the reclaimed areas have already taken place or measures would be in place to avoid impacts to these known locations. There is one known pre-contact archaeological site identified as the Stibnite Lithics Site, within the Operations Area Boundary that would be avoided through protective measures (i.e., fencing); protective measures would also prevent inadvertent impacts resulting from SGP activities. No pre-contact archaeological sites are located within the physical APE for the Burntlog Route, a major component of the 2021 MMP, however two historic tribal travel routes, including the Thunder Mountain Road, do intersect the Burntlog Route and could be affected. The Thunder Mountain Road and Burnt Log Road, prior to its use by settlers, included portions of well-traveled tribal routes. The current research indicates that there are five pre-contact archaeological sites located within the transmission line improvement areas; however, it is anticipated that these sites would be avoided through design alterations or protective measures. Consultation with the Tribes would be ongoing; therefore, if additional potential impacts are identified such as discoveries of cultural significant sites or resources during or post construction, formal government-to-government consultation would occur. The impact to tribal historical and archaeological sites would be localized, temporary to permanent, and negligible to minor.

7.2.2.2 Sacred Sites, Traditional Cultural Properties, and Cultural Landscapes

Impacts to non-archaeological tribal sites including sacred sites or places, TCPs, and CLs, could occur during all phases of the SGP including construction, operations, exploration, and reclamation. Currently, there are no known sacred sites within the Operations Area Boundary, however tribal consultation and the preparation of the confidential tribal ethnographies have identified a TCP District within the analysis area. Consultation regarding sacred sites, the identified TCP, and CLs is ongoing.

Restricted or altered access to the mine site area during construction and operation closures would affect tribal access to important sites, some that could be identified as TCPs and CLs. The Stibnite and Thunder Mountain roads through the SGP would be closed during the mine operations, potentially restricting access to important tribal resources and sites. In locations where viewshed and a sense of solitude is important to the cultural significance, interruptions from noise, vibrations, and alterations in the landscape, could adversely affect a significant aspect of religious and sacred sites or places. Although impacts from construction noise would be temporary and intermittent, these intrusions may potentially disrupt tribal religious and cultural practices. Traditional cultural uses of the area, including tribal fishing, hunting, gathering, and spiritual practices would also be potentially affected by the construction, operation, and reclamation phases of the SGP.

The SGP would create permanent landscape alterations within the Operations Area Boundary, as well as the local landscape if visible outside the Operations Area Boundary. Changes to the landscape would have negligible to moderate impacts on sacred sites or places, TCPs, or CLs that may exist depending on whether they could be seen from those locations. The change in the visual landscape resulting from the introduction of new infrastructure may alter the landscape in such a way as to detract from the cultural significance. The impact to sacred sites or places, TCPs, or CLs would be localized, temporary to permanent, and negligible to major.

7.2.2.3 Traditional Use Sites

In addition to the permanent alterations of the SGP Operations Area, the 2021 MMP would cause changes to the local landscape that may include traditional use areas. Changes to the landscape would have localized, long term to permanent, negligible to major impacts on nearby ceremonial or traditional use sites that may exist, depending on whether the changes could be seen from those sites.

Construction and operation of the SGP would impact access to traditional use areas and subsistence resources. Public and tribal member use would generally not be allowed in the mine site footprint, areas adjacent to the mine site (i.e., the Operations Area Boundary), the upgraded transmission line right-of-way (ROW), and the new transmission line ROW from Johnson Creek Substation to the mine site (**Figure 2-1**). Approximately 13,441 acres of public lands within the Operations Area Boundary (14,221 acres) would become inaccessible to the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes once construction begins and would continue through closure and reclamation. SGP on-site and off-site facility construction and operation could also impact traditional use areas and subsistence resources through habitat loss; behavioral disturbance to wildlife from increased noise and human activity; concerns about contamination of resources; and avoidance by tribal members of traditional use areas.

The disruption of traditional practices, tribal worldview, viewshed characteristics and solitude, and fishing rights in the SFSR watershed, including the East Fork SFSR, Meadow Creek, Fiddle Creek, West End Creek, No Man's Creek and Sugar Creek are of concern to the Tribes. Tribally significant travel corridors and waterways include portions of the Old Thunder Mountain Road (National Forest System Road 440), portions of the Burnt Log Road (National Forest System Road 414), the East Fork SFSR system, which includes several tributaries, and the Riordan Lake shore.

7.2.2.4 Land Status and Access

There would be no change in land ownership status. The federal portion of the affected land would remain under federal ownership. The use of lands for mine operations and associated facilities would be long-term; lands would be reclaimed and structures removed after mining was completed. Mining is governed by the Locatable Minerals regulations at 36 CFR Part 228, Subpart A and the 1872 U.S. mining laws, as amended (30 U.S.C. 22 et seq.). This land use is regulated under 36 CFR 251.15 – Conditions, rules, and regulations to govern the exercise of mineral rights reserved in conveyances to the United States and would be considered a temporary use under those regulations.

Construction and operation of the SGP would impact access to traditional use areas and subsistence resources if they are located within the Operations Area Boundary. Public and tribal member use would generally not be allowed in the mine site footprint and areas adjacent to the mine site (i.e., the Operations Area Boundary). There would be a long-term loss of access to land for exercising treaty rights, usual and accustomed fishing places, access to streams and fountains, and access to potential sacred sites or places, TCPs, CLs, and historic properties within the Operations Area Boundary while the lands are occupied for

mining. Therefore, a mitigation measure for access impacts would be incorporated into any decision on the SGP.

The SGP mine area has been the object of mining and exploration since the 1930s with vehicle access associated with mine access roads (e.g., Stibnite Road, Thunder Mountain Road). As such, the area has been affected by historical mining that has altered the nature and potential use of usual and accustomed fishing locations and springs. Hence, there is no archeological, ethnographic, or historical evidence of recent or present use according to the affidavit (Greiser 1998), which is consistent with use of the area for mining. Site reclamation and restoration efforts included in the project following its operational period would result in similar or improved stream conditions and access for usual and accustomed fishing places in the Operations Area Boundary. However, until conclusion of reclamation and restoration efforts, mining effects would continue to alter the nature and potential use of the usual and accustomed fishing locations and springs.

However, lands within the Operations Area Boundary have been highly disturbed by past mining activities. The SGP would expand the mining disturbance and increase industrial development. The SGP mining area would disturb approximately 1,675 acres, which would be much less than one percent of the PNF; a negligible long-term impact. There are no known subsistence resources located exclusively within the Operations Area Boundary that are not available on the remaining portions of the PNF. However, access to potential sacred sites or places, TCPs, CLs, and historic properties that may have specific significance at their location(s) within the Operations Area Boundary could be impacted in way that cannot be offset by access to other in-kind areas. There would be a long-term loss of approximately 13,441 acres of federal land associated with land occupancy within the Operations Area Boundary under the 2021 MMP, which represents less than 0.3 percent of the BNF and PNF (2.3 million and 2.6 million acres, respectively). After mine closure, hunting, fishing, and gathering areas would be restored through reclamation and revegetation of disturbed areas and wildlife would return. Tribal members would regain access to the federal lands. There are no known types of natural resources available for exercising treaty rights in the Operations Area Boundary that are not available on the surrounding NFS lands. The impact to federal land available for treaty rights access from the 2021 MMP would be localized, long term, and moderate. While offsite presence of tribal resources means the impact to overall access to a specific resource would be negligible to minor, this would still constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to those resources in their specific locations including those associated with potential historic properties, sacred sites or places, TCPs, and CLs.

The Burntlog Route would create additional access into a remote area. Although this could provide access to additional areas to exercise treaty rights, mine traffic as well as other public users that use this access would impact current solitude. The impact would be localized, long term, and minor to major.

The Operations Area Boundary (14,221 acres) represents less than one percent of the total area within the PNF and BNF (2.3 million and 2.6 million acres, respectively) available to the Tribes to conduct their traditional use of and access to subsistence resources. However, these previously accessible lands would become inaccessible for a generation, thus potentially disrupting the transfer of place-based traditional knowledge from generation to generation. In addition, closed access to potential specific religious or culturally significant sites may not be offset by access to other in-kind sites. All other existing areas outside of the Operations Area Boundary would remain fully accessible for hunting, fishing, gathering, and other traditional landuses. The overall impact to treaty rights access from the 2021 MMP would be localized, long term to permanent, and minor to major depending on the type of tribal use for the area.

Existing public access roads would remain open under the 2021 MMP. There would be a public access road route through the mine site during the SGP construction, operations, and closure and reclamation

phases. Public (including tribal) motorized access to active mine areas, including haul/access roads, would be restricted during the life of the SGP. Non-motorized access (i.e., walking, hiking, horse) would be restricted in the Operations Area Boundary as well. The impact would be localized, long-term, and moderate.

Tribal access within the Operations Area Boundary would resume following closure of the SGP. However, reclamation could modify the fish, wildlife, and vegetation composition of the area compared to existing conditions. Therefore, traditional land uses could be altered by reclamation. The impact to Tribal access after reclamation would be localized, long term to permanent, and negligible to major.

Authorization of the SGP would require Forest Plan amendments. No standards and guidelines were identified that are strictly applicable to tribal resources; however, a number of standards and guidelines are related to resources considered important or sacred by Tribes, including wildlife, water resources, and scenic resources.

7.2.2.5 Water Resources

The 2021 MMP would have impacts to stream flow volumes, water chemistry and temperature, and fish occupancy, as described in the Water Quantity, Water Quality, and Fisheries and Aquatic Habitat Specialist Reports (Forest Service 2022e, 2022d, 2022g), respectively. Mitigation measures along with project design features to address those impacts would be incorporated into any decision on the Project. Runoff associated with the SGP would be contained, which would minimize contribution of sediment to local streams. Water quality of surface flow departing from the Operations Area Boundary would be the same or better than baseline conditions (Forest Service 2022d). Surface water available for tribal use in the area would not be impacted above human drinking water standards by the SGP. The potential for the SGP to cause changes in surface water quality from increased erosion and sedimentation, changes in temperature, and changes in general water chemistry (i.e., pH, temperature, major ions, total dissolved solids and dissolved metals, and organic carbon) are discussed in detail in the Water Quality Specialist Report (Forest Service 2022d).

Active contact water collection and water treatment would be required for a period of time during the operations and post-closure period until geochemical stability of mined materials could be achieved. The water treatment would prevent mine-impacted waters with elevated analyte concentrations from contacting surface water in the environment. The effects of capture, treatment, and discharge of mine-impacted waters on surface water chemistry would be localized, long-term, and minor.

Surface waters also would be impacted by modification of temperature due to removal of shading vegetation, development of pit lakes, and modification of stream depth during construction, operations, or the post closure/reclamation period. Changes in stream water temperatures for the East Fork SFSR would be negligible to major, localized, and long term. Design features to reduce stream temperatures in the East Fork SFSR would take approximately 10 years to implement post-closure. Temperature changes the restored Meadow Creek would be a localized, long-term, and major impact. Temperature changes in West End Creek would be permanently raised compared to existing conditions resulting in a localized, permanent, and major impacts.

Under the 2021 MMP, there would be 71 access road stream crossings with increased potential for sedimentation and risk of inadvertent spills. The effect to surface water quality as a result of sedimentation and erosion would be limited by applicable environmental protection measures and control techniques, by the limited duration of active surface disturbing activities, and by the adaptability of the receiving environment. The extent of sedimentation effects from erosion and fugitive dust would be

concentrated at the SGP and along the Burntlog and Johnson Creek access routes; however, due to the nature of sediment transport by streams, the geographic extent of the impact could extend farther downstream in the East Fork SFSR. The effects of the SGP on sedimentation are expected to be localized, long term, and moderate.

Both surface water and groundwater quality could potentially be impacted by accidental spills and releases of fuels and hazardous chemicals used in mine construction or operations. Implementation of required standard design, permit stipulations, and regulatory requirements governing storage and handling of these materials would reduce the risk of spills and promote effective response should a spill occur, which would limit impacts to both surface water and ground water quality. Should accidental spills or releases of fuels and hazardous chemicals occur, the impact(s) would be localized, temporary, and minor to moderate.

For risks associated with the consumption of fish, the Idaho human health fish tissue criterion for methylmercury is 0.3 mg/kg. Under baseline site conditions, fish tissue concentrations have not exceeded that criterion (MWH Americas 2017). The current EPA water quality standard (12 ng/l) and a NMFS proposed standard (2 ng/l) for total mercury are based on human consumption of fish. Site baseline total mercury concentrations range between 2.4 and 5.7 ng/l and methylmercury concentrations are less than 0.1 ng/l. Water treatment would be required under any action alternative in order to not exceed baseline conditions. Proposed water treatment associated with the 2021 MMP would maintain methylmercury concentrations below 0.1 ng/l and, at that concentration, would not modify fish tissue concentrations compared to the baseline condition.

Overall effects of impacts to water resources on tribal treaty rights and resources, in particular fisheries, but also plant and wildlife populations, would be localized to regional, long term to permanent, and major. Impacts to water resources also has the potential to impact the integrity of potential historic properties, sacred sites or places, TCPs, and CLs in the analysis area as these cultural properties relate to tribal treaty rights and resources.

Access to streams, springs, and fountains within the Operations Area Boundary would be restricted for the life of the SGP (approximately 20 years). This would constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to access to streams, springs, and fountains. Because access to the usual and accustomed fishing locations along streams and springs would be impacted by the project, a mitigation measure for access impacts would be incorporated into any decision on the project.

7.2.2.6 Wetlands

The 2021 MMP would result in a loss of wetlands and riparian areas. Because wetlands and riparian areas provide a broad range of ecological functions, the loss or alteration of wetland and riparian acreages would have indirect effects on other resources within each of the affected drainage basins. Potential indirect impacts would include reductions in water quality and water storage/recharge, as well as loss of habitat. Regarding habitat, numerous wetland-dependent species, including fish, amphibians, and birds would be displaced from the SGP into other areas that may or may not be available and may provide less suitable habitat. Within the Operations Area Boundary, approximately 28 percent of the existing wetlands within the contributing basin for the East Fork SFSR watershed above the Sugar Creek/East Fork SFSR confluence would be impacted, all of which are within the Headwaters of the East Fork SFSR, a place of known importance to the Tribes. These wetlands impacts would affect water quality, water storage/recharge, and therefore flow. Additional details are provided in the Wetland and Riparian Resources Specialist Report (Forest Service 2022f). The impact to wetlands would be localized, temporary to permanent, and major which could result in localized, temporary to permanent, and major

impacts to usual and accustomed fishing places along Sugar Creek and portions of the East Fork SFSR, as well as tribal treaty rights and resources including those associated with potential historic properties, sacred sites or places, TCPs, and CLs depending on the wetland and the type of tribal use.

As part of the Clean Water Act, Section 404 permit, a compensatory mitigation plan would be required to compensate for lost wetland areas and their associated functions. It would also address the temporal loss of aquatic functions and values. There would be a temporal loss of wetland functions in the Salmon River drainage for approximately 20 years (Forest Service 2022f).

7.2.2.7 Fisheries

During construction and operations, fish bearing streams would be diverted into ditched channels and some new barriers would be created; however, enhancements would occur in some stream channels and existing barriers to natural fish movement would be removed. As discussed in the Fisheries and Aquatic Resources Specialist Report (Forest Service 2022g), entrainment by in-stream activities or human-made features, flow reductions, temperature changes, changes in habitat structure, water quality changes, and reduced access to suitable habitat may affect the distribution and relative abundance of fish populations in affected streams in the SGP area thereby affecting availability and harvestability by the Tribes. Additional impacts to specific fish (i.e., Chinook salmon, westslope cutthroat trout, steelhead trout, bull trout etc.) is detailed in the Fisheries and Aquatic Resources Specialist Report (Forest Service 2022g). Impacts to fisheries would be a localized, long-term to permanent, major impact to tribal treaty rights and resources including those associated with potential historic properties, sacred sites or places, TCPs, and CLs.

7.2.2.8 Vegetation

Vegetation would be cleared in order to construct the mine facilities, access roads, and associated infrastructure. Clearing would likely include plants of traditional, cultural, and religious importance to the Tribes including whitebark pine, limber pine, lodgepole pine, sweetgrass, bitterroot, and subalpine fir trees. The 2021 MMP would impact approximately 259.5 acres of occupied whitebark pine habitat and would remove an estimated 1,235.8 individual trees, 23 of which would be mature, cone-bearing individuals. This would result primarily in localized, long-term to permanent, moderate impacts to whitebark pine populations.

The one known occurrence of sweetgrass, located along the Burntlog Route, would be indirectly impacted during proposed upgrades to the route if the alternative is selected. The impact would be localized, long term to permanent, and moderate to major.

The one known occurrence of bitterroot, located in the transmission line corridor, could also be indirectly impacted during construction of the transmission line upgrade. The impact would be localized, long term, and negligible to moderate.

Several subpopulations of a single occurrence of bent-flowered milkvetch, a PNF forest watch species, occur to the east of the SGP and there is one subpopulation in proximity to the West End Creek diversion. Further, modeled habitat for this species would be impacted. This plant has not been identified in tribal ethnographies or during tribal consultations as traditionally gathered. The impact would be localized, long term, and negligible.

There are no known plant-based subsistence resources located exclusively within the Operations Area Boundary that are not available on the remaining portions of the PNF. Other plant populations of tribal traditional and cultural significance not already specifically identified in **Section 7.2.2.8** would not be available within the Operations Area Boundary for the life of the mine. While offsite presence of plants

means the impact to overall access to a specific type of plant would be negligible to minor, this would still constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to those resources in their specific locations including those associated with potential historic properties, sacred sites or places, TCPs, and CLs.

Vegetation clearing could also impact pasturing treaty rights. While pasturing locations would be available in other offsite locations, this would still constitute a localized, long-term, and negligible to moderate impact.

Additional detail is provided in the vegetation specialist report (Forest Service 2022h).

Reclamation would include revegetation with short-lived grass species intended to help stabilize the reclaimed surfaces from erosion as well as long-lived native bunch grasses and forbs. The goal of the revegetation mix is to establish healthy native bunch grass communities that are structurally diverse and allow succession of native species over time. Other native forbs, shrubs, and trees could be seeded or planted in clusters where they are most likely to establish. Some plant species of tribal traditional and cultural significance would be included.

7.2.2.9 Noxious Weeds and Invasive Species

Non-native plant and noxious weed control measures for preventing and controlling noxious weed infestations would be utilized for the SGP as described in the Vegetation Specialist Report (Forest Service 2022h). Perpetua would implement Forest Service-required design features (**Table 2-3**) that meet the intent of all applicable noxious weed and non-native species standards from the Payette and Boise Forest Plans (Forest Service 2003, 2010a). Forest Service would require certified noxious-weed-free seed and other materials (e.g., mulch) that would reduce and minimize the potential for colonization and spread of non-native plants, including noxious weeds. With the implementation of these measures, potential for colonization and spread of noxious weeds and invasive species in disturbed areas would be reduced. Despite weed management by Perpetua, the disturbance at the SGP would cause an increased threat of weed infestation at and near the SGP which would be a localized, long-term, and negligible to minor impact to tribal use of vegetation.

7.2.2.10 Wildlife

Big Game

Impacts to big game would involve displacement and alterations of normal movement routes. Although there are no identified wildlife migration corridors between winter and spring ranges, elk are predicted to use the area for calving in the summer, and big game animals likely use the wildlife analysis area to migrate. If big game must reroute around disturbances, it could increase their energy expenditures during migration, potentially decreasing survival or productivity. However, given the relatively small size of the mine site in context of the region and available habitat, any direct effect on survival or productivity would likely be negligible. Roadways under the 2021 MMP may displace elk and mule deer or increase the possibility of vehicle-wildlife collisions. The 2021 MMP may directly and indirectly impact big game species individuals and habitat. Tribal members could continue to pursue hunting on adjacent lands to which these species would likely migrate when SGP activities commence. While offsite presence of big game means the impact to overall hunting access is negligible to minor, this would still constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to those resources in their specific locations including those associated with potential historic properties, sacred sites or places, TCPs, and CLs.

Rocky Mountain Bighorn Sheep

There would be a direct loss of habitat which would displace any individuals that occur in those areas. The mine site and associated infrastructure may displace sheep around the perimeter of the disturbances. Rocky Mountain bighorn sheep are very mobile and able to avoid localized direct threat of injury or mortality. Although additional roadways near the mine site could expose individuals to direct vehicle collisions and mortality. Because bighorn sheep are known to occur in the FCRNRW area, they could potentially be affected by loss of potential habitat along the Burntlog Route. The 2021 MMP would result in localized, short-term to permanent, minor impacts to bighorn sheep.

Gray Wolves

Wolves may alter their normal movement patterns to avoid the SGP, but no direct impacts to individuals or populations are expected. There would be a long-term, localized, minor impact to habitat. Displacement could expose them to increased competition with other wolf packs as they seek new territory and would be a potential indirect effect. Vehicle traffic associated with the Burntlog Route could increase the risk of wildlife-vehicle collisions. The 2021 MMP may directly and indirectly impact gray wolf individuals and habitat (i.e., general habitat types), but would not likely contribute to a trend towards ESA listing or loss of viability of the species within the planning area. Therefore, the SGP would result primarily in localized, short-term to permanent, minor impacts to the gray wolf.

Wolverine

Wolverines have been well documented in the analysis area (Forest Service 2022i). The 2021 MMP may directly or indirectly impact wolverine individuals and habitat resulting in adverse impacts but would not jeopardize the continued existence of the species. The 2021 MMP would result primarily in localized and long-term impacts to the wolverine, particularly the local population (part of larger Central Idaho sub-populations).

Small Mammals and Birds

Any bird individuals in the mine area would be displaced, and noise or increased human presence may cause moderate effects to birds in the vicinity for the duration of active mining and reclamation activities. No direct mortality is expected. Some individual small mammals such as rabbits, yellow-bellied marmots, and squirrels in the disturbance areas would be displaced or killed. Displaced individuals may cause increased competition in adjacent populations that may lead to increased mortality or decreased reproductive rates. While offsite presence of small mammals and birds means the impact to overall hunting access is negligible to minor, this would still constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to those resources in their specific locations including those associated with potential historic properties, sacred sites or places, TCPs, and CLs. The 2021 MMP would result primarily in localized, short-term to long-term, negligible to minor impacts for small mammals and bird species.

7.2.2.11 Treaty Rights Access

Due to their unique tribal rights, cultural relationships, and uses of the lands within the local area, the Tribes could potentially be impacted more specifically and widely by changes in access, use, and resource conditions in the SGP mine area. The Tribes have multiple and inter-related interests and associations with the local area resources (e.g., religious, traditional, and subsistence uses). Many of these interests also are inherently incompatible with any resource changes, including increased presence or alternate use of the local area by non-tribal individuals or entities. Access, or the continued availability of the traditional natural resources, would be affected by the SGP. There would be a long-term loss of

approximately 13,441 acres of federal land within the 14,221-acre Operations Area Boundary associated with land occupancy from mining activities under the 2021 MMP, which represents less than one percent of the PNF. After reclamation, fishing, hunting pasturing, and gathering areas would be restored through revegetation of disturbed areas (except for approximately 278 acres of unreclaimed areas) and wildlife would return. Tribal members would regain access to the federal lands. There are no known types of natural resources available for exercising treaty rights in the SGP area that are not available on the surrounding NFS lands. It is difficult to quantify or otherwise determine the impact of a temporary loss of a right. While offsite presence of tribal resources means the impact to overall fishing, hunting, pasturing, and gathering access would be negligible to minor, this would still constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to those tribal resources in their specific locations including those associated with potential historic properties, sacred sites or places, TCPs, and CLs. In consultations with the Tribes, they noted that any loss of treaty rights is significant to them and could potentially affect all tribal members. The Tribes would not be able to exercise treaty rights in the Operations Area Boundary for the life of the SGP, which would be a localized, long-term, moderate to major impact on tribal treaty rights.

The Tribes have multiple and inter-related interests and associations with the local area resources (e.g., religious, sacred site, traditional, and subsistence uses). Many of these interests also are inherently incompatible with any resource changes, including increased presence or alternate use of the local area by non-tribal individuals or entities. In general, the SGP impacts to subsistence resource availability on tribal communities with environmental justice concerns could potentially be adverse and would be localized, long term to permanent, and moderate to major.

7.2.2.12 Noise

There would be noise impacts at the SGP and associated project components during construction. Noise would likely displace larger wildlife and change recreational or traditional use experiences including viewsheds and sense of solitude in areas proximate to construction activities. The Burntlog Route would be in close proximity to the FCRNRW and construction noise would impact closer areas of the FCRNRW but would gradually attenuate to being unnoticeable with distance. Topography and vegetation would help to attenuate noise. However, noise impacts during construction would generally be localized, temporary to short-term, and negligible to moderate depending on proximity to activity. Mine and associated infrastructure development and associated noise during the construction phase would be limited to daytime hours (between 7:00 a.m. and 10:00 p.m.).

During operations there would be long-term but periodic noise impacts due to SGP operations and road maintenance activities. Access road traffic and maintenance would impact some areas of the FCRNRW, with impacts diminishing with distance from the wilderness boundary. Impacts from operations would not extend as far into the wilderness area as they would during construction. Overall, noise impacts would be localized, temporary to long term, and negligible to moderate for tribal resources (i.e., wildlife), tribal treaty rights and traditional use experiences, and solitude including aspects associated with potential historic properties, sacred sites or places, TCPs, and CLs within the analysis area and proximate portions of the FCRNRW.

7.2.2.13 Visual Resources

There would be new disturbances in the Operations Area Boundary which would change the local landscape character. However, scenic integrity is low where there are existing disturbances from historical mining activities as the landscape has been heavily altered. Construction of the Burntlog Route would result in the greatest change in landscape character and scenic quality. During construction and

operations, where these changes could be seen from traditional use or ceremonial sites, visual contrasts would be a localized, long-term, and negligible to major impact to tribal treaty rights and traditional use experiences including those associated with potential historic properties, sacred sites or places, TCPs, and CLs. After reclamation, visual impacts would lessen.

7.2.2.14 Recreation

There would be impacts to solitude, and the temporary to long-term loss of dispersed recreation opportunities in the area disturbed by the SGP during construction. Although, as described previously, current tribal recreation opportunities in the Operations Area Boundary are very limited due to the existing mine disturbance and inaccessible private property that occur within or immediately adjacent to the mine area. The limited opportunity for tribal treaty rights and traditional use experiences would be re-established in the Operations Area Boundary following reclamation. Recreation impacts to the Tribes would be localized, temporary to permanent, and negligible to major including practices associated with potential historic properties, sacred sites or places, TCPs, and CLs. The Recreation Specialist Report (Forest Service 2022l) further discusses effects on public access, including tribal members, to the mine area for recreational opportunities, including fishing.

7.2.2.15 Air Quality

Air quality impacts would not exceed NAAQS. As presented in the Air Quality Specialist Report (Forest Service 2022m), the change in atmospheric visibility would be less than the 5 percent change in light extinction that is considered the significance criteria for Class I areas (FLAG 2010). Consequently, the level of regional haze impact would be localized, long term, and minor. Impacts to tribal treaty rights and tribal resources associated with potential historic properties, sacred sites or places, TCPs, and CLs due to haze would be localized, long term, and negligible to minor.

7.2.2.16 Socioeconomics

Construction period usage of the Johnson Creek Route would increase traffic and activity on an existing roadway along portions of Johnson Creek where the Johnson Creek Artificial Propagation Enhancement fisheries restoration program is active. The socioeconomic components for the fisheries restoration program (e.g., road access, employment) would observe short-term, negligible effects from the increased use of the Johnson Creek Route during construction. There could be direct socioeconomic impacts from restricted or denied tribal treaty rights associated with harvest opportunities in the Operations Area Boundary and/or areas where construction activities are taking place. Lost opportunities during construction would be localized, short-term, and negligible to minor as subsistence resources are available in other areas of the Boise and Payette National Forests. Impacts would be localized, long-term, and negligible to minor within the Operations Area Boundary for the same reason.

7.2.2.17 Environmental Justice

The SGP area is within the traditional subsistence range of tribal communities with environmental justice concerns including the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes. Tribal members are more susceptible and likely to be impacted by local area resource changes due to both their use of the area and their long-established cultural connections and attitudes to the local area resources. For these reasons, if there are adverse impacts to water, fisheries, and wildlife resources, tribal members would have a greater potential to be affected than the general population.

None of the SGP components (mine site, access roads, utilities, or off-site facilities) are on reservation lands, and no significant adverse biological impacts (e.g., wildlife and vegetation resources), public health

impacts (e.g., contamination of fish in local streams), or other physical impacts (e.g., air quality and noise) are identified that would directly impact reservation lands and their Tribal environmental justice communities that are located outside of the SGP area. However, the SGP could affect Tribal members' access to subsistence or traditional use of the lands within the SGP area. Currently, there is no restricted access on NFS lands in the SGP area. Some restrictions are in place on private lands. As a result, the potential for any adverse and disproportionate SGP-related impacts to the tribal environmental justice communities would be limited to changes in access for tribal members, and subsistence or traditional use of the lands, such as fishing in usual and accustomed places. Under the 2021 MMP, impacts to subsistence resource availability on tribal communities with environmental justice concerns could potentially be adverse and would be localized, long-term to permanent, and moderate.

There are no substitute resources or replacement opportunities for location-specific tribal interests and use of the local area. As a result, tribal members are more likely to be impacted by local area resource changes than the general public. However, specific information from the Tribes regarding the exact nature, duration, and location of impacts on tribal populations resulting from the excluded areas for the SGP and/or resource impacts is not available in the public domain. Based on the restricted ethnographic information provided to the Forest Service by the Tribes, it is expected that the SGP-related impacts would be of a type and/or magnitude to represent an adverse environmental justice impact to the tribal environmental justice communities.

7.2.3 Johnson Creek Route Alternative

7.2.3.1 Tribal Historical/Archaeological Sites

Within the Operations Area Boundary, impacts to Native American archaeological sites would be the same as described under the 2021 MMP. Under the Johnson Creek Route Alternative, the Burntlog Route would not be constructed. Rather, the Johnson Creek Route (Johnson Creek and Stibnite roads) would require upgrade and widening to improve the road for operations traffic. There are six previously identified Native American archaeological sites within the physical APE along Johnson Creek Route that could be potentially affected by the SGP. However, physical impacts to these sites would be avoided through design or protective measures. Consultation with the Tribes would be ongoing; therefore, if additional potential impacts are identified such as discoveries of cultural significant sites or resources during or post construction, formal government-to-government consultation would occur. If sites could not be avoided or another type of impact were identified (visual, auditory, or vibratory), the impact to Native American archaeological sites would be localized, temporary to permanent, and negligible to minor.

7.2.3.2 Sacred Sites or Places, Traditional Cultural Properties, and Cultural Landscapes

Impacts to non-archaeological tribal sites including sacred sites, TCPs, and CLs, could occur during all phases of the SGP including construction, operations, exploration, and reclamation. Currently, there are no known sacred sites within the Operations Area Boundary, however tribal consultation and the preparation of the confidential tribal ethnographies have identified a TCP District within the analysis area. Portions of the Johnson Creek Road in the Nez Perce Tribe's ethnography has been identified as a traditional travel route. Further documentation and the evaluation of the site as a historic property informed by tribal consultations is ongoing. In addition, consultation regarding sacred sites or places, the identified TCP District, and CLs is ongoing with all tribal partners.

Impacts to sacred sites or places, TCPs, and CLs would be the same as described for the 2021 MMP for the Operations Area Boundary. As the Burntlog Route would not be constructed under the Johnson Creek Route Alternative, there would be no change to the landscape along that route. Overall, there would be fewer changes to the landscape under the Johnson Creek Route Alternative. However, changes to the landscape relating to the Johnson Creek Route Alternative resulting from the SGP would have localized, long term, and negligible to moderate impacts on sacred sites, TCPs, or CLs that may exist depending on whether the changes could impact the integrity of said properties and the tribal experiences associated with them.

7.2.3.3 Traditional Use Sites

Impacts to traditional use sites would be the same as described under the 2021 MMP within the Operations Area Boundary. As the Burntlog Route would not be constructed, there would not be any changes to the local landscape or traditional use areas along that route. The Johnson Creek Route would be widened and improved to accommodate operations traffic but generally would not cause additional changes to the landscape, therefore it would have localized, long-term, and negligible to moderate impacts on nearby ceremonial or traditional use sites that may exist along that route or depending on whether impacts and alterations could be seen from other locations where additional ceremonial and traditional use sites may occur.

7.2.3.4 Land Status and Access

There would be no change in land ownership status. The federal portion of the affected land would remain under federal ownership and access would remain the same. The impact to federal land available for treaty rights access from the Johnson Creek Route Alternative would be localized, long term, and negligible.

7.2.3.5 Water Resources

Impacts from construction and operations at the SGP would be the same as the 2021 MMP. However, the Burntlog Route would not be constructed and therefore there would be 21 fewer stream crossings. The Johnson Creek Route would be upgraded and improved for use during operations which would increase the potential for additional sediment load and inadvertent spills into Johnson Creek and the East Fork SFSR as well as the other streams crossed by this route. The effects of the Johnson Creek Route Alternative of sedimentation would be localized, long-term, and moderate.

Similar to the 2021 MMP, effects of impacts to water resources on tribal treaty rights and resources, in particular fisheries, would be localized, long-term to permanent, and major.

7.2.3.6 Wetlands

Impacts from construction and operations at the SGP would be the same as the 2021 MMP. However, the Burntlog Route would not be constructed and therefore there would be no impacts to wetlands along that route. Impacts to wetlands and riparian areas associated with widening, maintenance, and use of the Johnson Creek Route would be similar to the wetland impacts associated with the Burntlog Route. These include direct loss, fragmentation, and indirect effects such as dust. Wetlands and riparian areas along Johnson Creek are lower in their respective watershed (i.e., further downstream) as the route is largely located along the East Fork SFSR (Forest Service 2022f). Thus, the road impacts would affect wetlands and riparian areas at the confluences of several drainages that feed into the East Fork SFSR, which would have a larger effect on the river. The impact to wetlands would be localized, temporary to permanent, and major which could result in localized, temporary to permanent, and major impacts to tribal treaty rights

and resources including those associated with potential historic properties, sacred sites or places, TCPs, and CLs depending on the wetland and the type of tribal use.

7.2.3.7 Fisheries

Impacts to fisheries and aquatic resources from construction and operations of the SGP would be the same as the 2021 MMP within the Operations Area Boundary. However, the Burntlog Route would not be constructed and therefore there would be no impacts to fisheries or aquatic resources along that route. The Johnson Creek Route would be upgraded and improved for use during operations which would increase the potential for impacts due to sedimentation and inadvertent spills to Johnson Creek and the East Fork SFSR. Additional impacts from the Johnson Creek Route Alternative to specific fish (i.e., Chinook salmon, westslope cutthroat trout, steelhead trout, bull trout etc.) is detailed in the Fisheries and Aquatic Resources Specialist Report (Forest Service 2022g). Impacts to fisheries would be a localized, long-term to permanent, and major to tribal treaty rights and tribal resources including those associated with potential historic properties, sacred sites or places, TCPs, and CLs.

7.2.3.8 Vegetation

Impacts to vegetation within the Operations Area Boundary would be the same as those described under the 2021 MMP. There would be additional impacts along the Johnson Creek Route as it would be used for access during mine construction, operations, and closure and reclamation; therefore, it would require substantial upgrades. Under this alternative, the Burntlog Route would not be constructed, therefore there would not be the associated vegetation impacts along that route, such as those related to whitebark pine, limber, pine, lodgepole pine, and the one known occurrence of sweet grass. The Johnson Creek Route Alternative would impact 108.4 acres of occupied whitebark pine habitat and remove 767 individual trees of which 23 would be mature and cone-bearing. The one known occurrence of bitterroot, located in the transmission line corridor, could be indirectly impacted during construction of the transmission line upgrade the same as the 2021 MMP. The impact would be localized, long term, and negligible to moderate. While offsite presence of plants means the impact to overall access to a specific type of plant would be negligible to minor, this would still constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to those resources in their specific locations including those associated with potential historic properties, sacred sites or places, TCPs, and CLs.

7.2.3.9 Noxious Weeds and Invasive Species

Impacts from noxious weeds and invasive species would be similar to that discussed under the 2021 MMP. Since the Burntlog Route would not be constructed, there would be no potential for the SGP to introduce noxious weeds and invasive species along that route. The increased threat of weed infestation at and near the SGP would be a localized, long-term, and negligible to minor impact to tribal use of vegetation.

7.2.3.10 Wildlife

Impacts to wildlife under the Johnson Creek Alternative would be similar to those described under the 2021 MMP. Under this alternative, the Burntlog Route would not be constructed, therefore there would not be the associated habitat fragmentation or wildlife displacement along that route, lessening impacts. This would shift disturbance away from the FCRNRW area where gray wolf packs are known to occur. Impacts would be localized, short term to permanent, and minor to moderate. There would not be any effects to the availability or populations of game species that would affect tribal hunting rights, except for a slight decrease in the amount of land available for tribal hunting due to restricted access in the Operations Area Boundary.

7.2.3.11 Treaty Rights Access

Impacts to treaty rights access would be the same as discussed under the 2021 MMP, except the Burntlog Route would not be constructed; therefore, there would be no change in treaty rights access in that area. Impacts along Johnson Creek Road and Stibnite Road would be long term as opposed to short term under the 2021 MMP. While offsite presence of tribal resources means the impact to overall fishing, hunting, pasturing, and gathering access would be negligible to minor, this would still constitute a localized, long-term, and moderate to major impact to tribal treaty rights specific to those tribal resources in their specific locations including those associated with potential historic properties, sacred sites or places, TCPs, and CLs. In consultations with the Tribes, they noted that any loss of treaty rights is significant to them and could potentially affect all tribal members. The Tribes would not be able to exercise treaty rights in the Operations Area Boundary for the life of the SGP, which would be a localized, long-term, moderate to major impact on tribal treaty rights.

7.2.3.12 Noise

Noise impacts would be similar to those described under the 2021 MMP except that the Burntlog Route would not be constructed therefore, there would be no construction, road maintenance, or traffic noise in that area. Noise impacts along the Johnson Creek Route related to the SGP would continue through closure and reclamation. Overall, noise impacts would be localized, temporary to long term, and negligible to moderate for tribal resources (i.e., wildlife), tribal treaty rights and traditional use experiences, and solitude including aspects associated with potential historic properties, sacred sites or places, TCPs, and CLs within the Operations Area Boundary and along the Johnson Creek Route.

7.2.3.13 Visual Resources

Visual impacts at the mine site would be the same as described under the 2021 MMP. Since the Burntlog Route would not be constructed, there would be no visual impacts related to that route. This area near the FCRNRW would retain its scenic integrity. The Johnson Creek Route would be widened and improved to accommodate operations traffic but generally would not cause additional changes to the landscape. During construction and operations, those areas adjacent to the Operations Area Boundary where these changes could be seen from traditional use or ceremonial sites, these visual contrasts would be a localized, long-term, and negligible to major impact to tribal treaty rights and traditional use experiences including those associated with potential historic properties, sacred sites or places, TCPs, and CLs.

7.2.3.14 Recreation

Impacts to tribal recreation would be the same as discussed under the 2021 MMP, except SGP-related traffic impacts would be long term along the Johnson Creek Route, as this route would be used during construction, operations, closure, and reclamation. Recreation impacts to the Tribes would be localized, temporary to permanent, and negligible to major including practices associated with potential historic properties, sacred sites or places, TCPs, and CLs.

7.2.3.15 Air Quality

Impacts to air quality would generally be the same as discussed under the 2021 MMP. Impacts to tribal treaty rights and tribal resources associated with potential historic properties, sacred sites or places, TCPs, and CLs due to haze would be localized, long term, and negligible to minor.

7.2.3.16 Socioeconomics

Socioeconomic impacts would be similar to that discussed under the 2021 MMP. Usage of the Johnson Creek Route through construction, operations, closure, and reclamation would increase traffic and activity for the long term (20+ years). Usage of the Johnson Creek Route for the duration of the SGP would increase traffic and activity on an existing roadway along portions of Johnson Creek Road where the Johnson Creek Artificial Propagation Enhancement fisheries restoration program is active. The socioeconomic components for the fisheries restoration program (e.g., road access, employment) would observe long-term, negligible to minor effects from the increased use of the Johnson Creek Route during construction, operations, reclamation, and closure of the SGP.

7.2.3.17 Environmental Justice

Environmental justice impacts would be similar to those discussed under the 2021 MMP; the potential for any adverse and disproportionate SGP-related impacts to the tribal environmental justice communities are expected to be limited to changes in tribal member access and subsistence or traditional use of the lands for the SGP mine area. However, the Burntlog Route itself would not be constructed and mine operations would continue to use the Johnson Creek Route for access. Upgrades to the Johnson Creek Route and its use as the access route to the mine site during operations would have the potential for impacts to tribal resources along this route due to increased noise, traffic, and potential sedimentation in Johnson Creek affecting water quality, fisheries, and displacement of wildlife for the life of the SGP. Tribal members may avoid these areas for a longer period of time. Therefore, impacts to subsistence resource availability under the Johnson Creek Route Alternative on tribal communities with environmental justice concerns would be localized, long term to permanent, and moderate.

7.3 Mitigation and Monitoring

Mitigation measures required by the Forest Service would represent reasonable and effective means to reduce the impacts identified in the previous section or to reduce uncertainty regarding the forecasting of impacts into the future. These mitigation measures are in addition to the regulatory and Forest Plan requirements and Perpetua project design features (**Section 2.4**) accounted for in the preceding impact analysis.

If a property of traditional religious and cultural importance, TCP, CL, or sacred site or place is identified by tribal representatives and avoidance is not feasible, specific operating procedures, stipulations, or mitigation measures would be developed in consultation/coordination with the affected tribal groups with the goal of reducing or eliminating impacts to the identified site.

If impacts to tribal access to usual and accustomed fishing places or streams and fountains cannot be avoided, mitigation measures would be developed in consultation/coordination with the affected tribal groups to reduce, limit, or eliminate impacts to access.

Mitigation measures may be added, revised, or refined based on public comment, agency comment or continued discussions with Perpetua regarding this specialist report or subsequent analysis under NEPA. The adopted mitigation measures will be finalized in the Final EIS.

7.4 Cumulative Effects

7.4.1 Past, Present, and Reasonably Foreseeable Activities Relevant to Cumulative Effects Analysis

Past, present, and Reasonably Foreseeable Future Actions (RFFAs) include activities, developments, or events that have the potential to change the physical, social, economic, and/or biological nature of a specified area. Existing and future activities are considered when analyzing cumulative impacts. A cumulative effect must overlap in space and time with the direct and indirect effects the SGP.

For tribal rights and interests, the analysis area for cumulative effects is larger than the analysis area for direct and indirect effects, encompassing lands administered by both the PNF and BNF, and other federal, state, and private lands within and adjacent to these National Forests. Cumulative effects to the Tribes extend well beyond NFS lands, and this larger area lends a broader landscape perspective to maintaining ecological sustainability in the National Forest, which support tribal rights and interests. The Nez Perce Tribe, Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes, and their traditional and cultural affiliations, trading networks, and other intertribal communication pathways existed long before current governmental and administrative boundaries and continue to exist irrespective of current delineations. For this reason, it is recognized that in addition to the SGP, other mining project developments expected to occur in the analysis area, Valley County, and possibly elsewhere in the region also may contribute to adversely affecting traditional tribal cultural practices and places that have significance to tribal cultural identities.

7.4.1.1 Past and Present Actions

Past actions include activities that may have been initiated in the past but also could involve present operations such as mineral exploration, infrastructure development, and non-mining related actions. They may have lingering effects in degrading the environment or may influence trends in the physical, biological, or social environment.

Present actions include mining projects and their related activities (i.e., exploration, reclamation) that may have just commenced or are currently underway and are causing impacts. They also may include other non-mining related projects currently in progress, such as timber sales or vegetation treatment; tribal fisheries restoration activities; recreation; other utility lines (e.g., powerlines) and roads; maintenance and use of the existing transportation network; urban development in Valley County; private land development and uses; and sand and gravel extraction.

Past and present actions that have an interactive, synergistic, and/or additive effect (per 40 CFR 1508.7) with a specific resource (such as lingering effects or influencing trends) in the SGP area are described below:

Mineral Exploration and Mining Activities – Past and present mineral exploration and mining have occurred in the vicinity of the mine site, including prospecting, exploration, underground mining, and open pit mining. To support past mining, other related activities occurred in the vicinity, including ore milling and processing, tailings disposal, smelting, heap leaching of ore, spent heap leach ore disposal, development rock disposal, hydropower generation, water retention dam construction, sawmill operations, electric power transmission line construction, and occupancy by thousands of people in housing camps and later in the town of Stibnite.

Two major periods of mineral exploration, development, and operations have occurred in the past century, and have left behind substantial environmental impacts. Between the mid-1920s and the 1950s, the area was mined for gold, silver, antimony, and tungsten mineralized materials by both underground and, later, open pit mining methods. The second period of major activity started with exploration activities in 1974 and was followed by open pit mining and seasonal on-off heap leaching and one-time heap leaching from 1982 to 1997, with ore provided by multiple operators from several locations, and processed in adjacent heap leaching facilities (Forest Service 2015).

The mining, milling, and processing activities created numerous legacy impacts including underground mine workings, multiple open pits, development rock dumps, tailings deposits, heap leach pads, spent heap leach ore piles, a mill and smelter site, three town sites, campsites, a ruptured water dam (with its associated erosion and downstream sedimentation), haul roads, an abandoned water diversion tunnel, and an airstrip.

Other past and/or present mining projects considered in the cumulative effects analysis include:

- **Fourth of July Mine** – Located in Government Creek on NFS land, Fourth of July Mine is inactive (Forest Service 2012).
- **Camp Bird Mine** – Located in Logan Creek on private land, Camp Bird Mine has been inactive for more than 30 years (Forest Service 2012).
- **Valley County Quarry Development** – Development and operation of an aggregate source to support the road maintenance activities on McCall-Stibnite Road (CR 50-412), Johnson Creek Road (CR 10-413), and other backcountry roads as determined by Valley County (Forest Service 2017).
- **Walker Millsite** – Located in Logan Creek on private land, the plan of operations approved in 1990 included a 50 ton per day ball mill and gravity milling process with the following components: a 50-foot by 100-foot by 8-foot-deep tailings impoundment, 1,000 feet of access road, a water transmission line, and explosives magazine. The millsite on NFS land has been reclaimed (Forest Service 2012).
- **Golden Hand No. 1 and No. 2 Lode Mining Claims** – Located in the Big Creek drainage on 1,309 acres of NFS land, approximately 19 miles north of Yellow Pine, the plan of operations included drilling operations, trenching and sampling, and reopening the caved Ella Mine adit. The project also would include the collection of subsurface geological information to prepare for a new mineral examination. The claims encompass approximately 20 acres each and are adjacent to Coin Creek (Forest Service 2012).
- **Cinnabar Mine** – Located 15 miles east of Yellow Pine and approximately 50 acres in extent; most of the mining occurred during the 1950s. No reclamation has been performed at the site and contaminants of concern include mercury, methylmercury, and arsenic (EPA 2020).

Exploration activities for potential future mining development have been occurring for the last decade and are ongoing at or within the vicinity of the SGP. Affiliates of Midas Gold initiated mineral exploration activities in 2009 as part of the Golden Meadows Exploration Project to better define the mineral deposit potential for the area. Activities associated with the Golden Meadows Exploration Project included the use of the existing road network, and construction of several temporary roads to access drill sites, drill pad construction, drilling on both NFS and private lands, and reclamation (Forest Service 2015). The following is a brief summary of the activities:

- **Midas Gold Exploratory Drilling (2009-2012)** – Exploratory drilling consisting of approximately 6 to 122 drill pads mostly occurred on private land. Crews were housed on private property in

Yellow Pine. All equipment was staged on private property and drilling activities generally occurred 24 hours per day. Water withdrawal sites included existing sediment retention ponds and streams. Private and Forest Service temporary roads were used and/or authorized to access drill pads located on NFS lands. Road maintenance was needed to open the existing roads. For winter activities, chained rubber-tired vehicle, helicopter, snowcat, or snowmobile provided access. Where drill pads were located next to roads, some snow plowing occurred at select locations. During snow-free periods, access occurred by helicopter, and where there was authorized access on NFS land or on private land, rubber-tired vehicles also were used for access. Midas Gold also drilled 16 new groundwater alluvial and bedrock monitoring wells on 8 pads in 2012 (Forest Service 2015).

- **Monitoring Wells for the Golden Meadows Project (2013)** – Midas Gold drilled four new groundwater alluvial and bedrock monitoring wells on two pads in 2013. Exploration drilling was conducted in 26 drill areas within NFS land. Twenty-four of the drill areas were accessed by helicopter (i.e., for transport of equipment and crew) and contained temporary helicopter-supported drill pads. No temporary roads were needed for these 24 drill areas (Forest Service 2015).
- **Midas Gold Baseline Studies (2013-2017)** – Baseline data collection studies including water quality, fishery surveys, wildlife surveys, and vegetation mapping were conducted (Forest Service 2015).
- **Winter Geotechnical Study (2017)** – Exploration drilling was conducted in 26 drill areas within NFS land. Twenty-four of the drill areas were accessed by helicopter (i.e., for transport of equipment and crew) and contain temporary helicopter-supported drill pads. No temporary roads were needed for these 24 drill areas (Forest Service 2015).
- **Geotechnical Studies along Meadow Creek (2017)** – Geotechnical study field work program was conducted in support of feasibility level engineering work on the proposed tailings impoundment and impoundment dam foundation conditions. Midas Gold utilized a track mounted Cone-Penetrometer Test rig to access eight locations along Meadow Creek in September/October 2017 (Forest Service 2015).
- **Operations Exploratory Drilling (2016-2019)** – In addition to exploratory drilling for the winter geotechnical study in 2017, expansion of an existing borrow source on NFS land just east of the camp and shop area also occurred. The borrow material supplied approximately 7,000 cubic yards of crushed rock to support the exploration program, including road maintenance and site reclamation activities and also was used by previous operators and the Forest Service. Approximately 141,000 gallons of fuel (diesel, gasoline, and jet fuel) per calendar year was transported on existing Valley County roads to the fuel storage facility (located on private land) (Forest Service 2015).
- **Exploration and Geotechnical Drilling (2018)** – Midas Gold drilled 62 exploration and geotechnical drilling pads within the project area. Fifty-six of the pads are track-supported and the remaining six are helicopter-supported. None of the pads are steep slope drill pads. The 62 proposed pads are located in the vicinities of the following water bodies: Upper East Fork SFSR, Meadow Creek, Middle East Fork SFSR, Lower East Fork SFSR, Upper Meadow Creek, and West End Creek (HDR 2017).
- **On-going Monitoring for Golden Meadows Project** – Monitoring for weeds, water quality, minerals and geology, access and haul route water quality monitoring, monitoring of water quality best management practices and project standard operating procedures associated with haul and access road use, wildlife and rare plants continue to be conducted (Forest Service 2015).

- **Burntlog Route Geophysical Investigation Field Work (2020-2021)** – Midas Gold collected geophysical data at proposed rock quarries, bridge abutments, cut slopes, and soil nail/mechanically stabilized earth wall locations using four methods including a Dynamic Cone Penetrometer Test, a track mounted excavator, a truck/track mounted hollow stem auger/core rig, and a helicopter assisted casing advancer/core drill rig. Midas Gold is investigating 24 locations by drilling or excavating 40 borings/test pits along the proposed Burntlog Route. The geophysical investigation fieldwork will last approximately 40 days. Nearly half of the locations are situated along the existing Burntlog Road and the remaining sites are located along the proposed new alignment of the Burntlog Route between Trapper Creek and Stibnite (Midas Gold 2019).

Transportation Projects – Road maintenance, improvement projects, airstrip operations and maintenance, and culvert and bridge replacements have occurred in the past and are expected to continue in the future. Installation or improvement of culverts and bridges may impact aquatic habitat due to construction-related effects and erosion. Maintenance of existing roadways, culverts, and bridges will likely be short-term, while new roadways, culverts, and bridges would have a larger effect. More information regarding current and future road maintenance and airstrip operations are provided below:

- **Road Maintenance of NFS Roads** – Thunder Mountain Road (FR 50375) and Meadow Creek Lookout Road (FR 51290) are both NFS maintenance level 2 roads that received maintenance in 2014 and are on a regular maintenance schedule. Road maintenance activities include blading, slough removal, and culvert cleaning. It is assumed that private landowners on private lands keep roads open and maintained to meet their needs.
- **Road Maintenance of County Roads** – Warren Profile Gap Road (CR 50-340) and the road to the Big Creek Trailhead are currently maintained by Valley County under a cooperative agreement; both roads are on an annual or biannual maintenance schedule. Road maintenance activities include blading, slough removal, and culvert cleaning. Smith Creek and Pueblo Summit Roads have not received any maintenance for years (Forest Service 2016b).
 - ◆ McCall-Stibnite Road (CR 50-412) is currently maintained by Valley County under a cooperative agreement, on a regular maintenance schedule. There is an agreement between Valley County and Perpetua to allow Perpetua to provide maintenance along the road from Yellow Pine to Perpetua 's property, “the road will be continuously maintained during the open period. Maintenance will, in all respect, be subject to review and approval by the Valley County Road Superintendent. The Owner/Contractor will abide by the Schedule 8: Payette National Forest; Road Maintenance Best Management Practices. During winter operations the Owner/Contractor will maintain a vehicle and trailer parking and turn around area at Profile Creek and Stibnite. The Owner/Contractor will place a temporary Valley County owned and signed gate above the Profile Creek Road during the Spring Breakup to prohibit any full-size vehicles from entering the Yellow Pine-Stibnite Road, unless otherwise authorized. All-terrain vehicles (ATV), utility-terrain vehicles, and snow mobile access on the Yellow Pine-Stibnite Road will still be permitted for the public at large during this temporary travel restriction.”
- **Road Maintenance of State Roads** – SH 55 is maintained by the Idaho Transportation Department (ITD). Recent upgrades and improvements included the Banks Beach parking study and the ongoing Smiths Ferry safety improvements. SH 55 was recently repaved between Donnelly and McCall (ITD 2021). The project addressed wear and tear to increase the service life of the roadway.
- The ITD, Division of Aeronautics maintains and operates the Johnson Creek, Warm Springs, and Bruce Meadows airstrips which are located on NFS land.

Mine Closure and Reclamation – Closure and reclamation of Hecla and SMI mining and processing facilities located in the headwaters of East Fork SFSR and Sugar Creek occurred between 1993 and 2000. Several Comprehensive Environmental Response, Compensation, and Liability Act Removal Actions also were conducted in the same area by the Forest Service, Environmental Protection Agency, and Exxon-Mobil Corporation to minimize risks to human health and the environment from legacy mining and processing activities that took place during the 1930s, 40s, and 50s.

Recreation and Tourism – Past and present recreation and tourism activities include sport hunting, fishing, trapping, boating and river recreation, camping, hiking, backpacking, outfitter/guide operations, tourist services – Big Creek Lodge, Elk Springs Outfitters, and Juniper Mountain Outfitters. These activities take place primarily from late spring to late fall, and there may be small plane, helicopter, and vehicle traffic associated with access.

Infrastructure Development – Past and present community infrastructure projects include the transmission line upgrades in the West Central Mountain Electric Plan 2014, which follows the general location of the SGP upgraded transmission line route (Idaho Power Company [IPCo] 2014). In 2020, IPCo rerouted approximately 2.5 miles of the existing Warm Lake Feeder overhead 7.2kV distribution line with approximately 2.75 miles of single-phase underground line in the Yellow Pine area (Forest Service 2020c).

Water Diversions and Hydro Power Projects – There are eight water diversions on federal and private lands in vicinity of the SGP area. There also are three residential, small-scale hydroelectric operations (0.4 to 0.9 cubic feet per second permitted), and one hydroelectric operation at Big Creek Lodge.

Wildland Fire, Noxious Weed Control, and Firewood Harvest – There have been numerous wildland fires in vicinity of the SGP area and it is likely more would occur in the future. Past fires within the headwaters of the East Fork SFSR and Sugar Creek include Indian Creek Point (12,204 acres); Tamarack (2,348 acres); Bishop Creek (2,610 acres); Cascade Complex (299,930 acres); Thunder City (13,263 acres), and Buck Fire (19,474 acres). In fall of 2021, the Krassel Ranger District conducted prescribed burns to areas east of Yellow Pine (Bald Hill project area) and along the SFSR (Four Mile project areas). Removal of firewood for non-commercial use has occurred in the past and is expected to continue in the future on NFS land, in compliance with general permit requirements for the Payette National Forest. Several noxious weed species have been identified in the vicinity of the SGP including spotted knapweed, Canada thistle, yellow toadflax, and rush skeletonweed. Treatment of noxious weeds occurs regularly throughout the area. Treatments include chemical spraying and pulling. Main areas of treatment for noxious weeds include Chamberlain area, Beaver Creek, and Big Creek trails, and along road access areas. The Lost Horse vegetation management project was completed within the Clear Creek drainage along FRs 405, 406, 407, 409, and 433; the objective of this project was to restore species composition and stand structure while reducing undesirable tree densities and favoring retention of larger diameter, more fire-resistant trees (Forest Service 2020b).

Authorized in May 2021, the Big Creek Hazardous Fuel Reduction was a community protection project for Edwardsburg/Big Creek area using commercial and noncommercial treatments and prescription fire to reduce hazardous fuels. Treatments were on Forest Service lands along public roads and adjacent to private property, outside of Wilderness. The project implementation reduced wildfire risk and fire severity/intensity on NFS lands around Big Creek and Edwardsburg and private property using commercial timber harvest, understory treatment, and prescribed burning. Approximately 10,290 acres were treated including approximately 631 acres of mastication and/or hand thin, no removal; 847 acres of commercial and pre-commercial thinning; 1,047 acres of hand-thinning, no removal; 7,765 acres of natural fuel prescribed fire burn blocks; and less than one mile of temporary road constructed to facilitate

equipment access and product removal reclaimed after vegetation management treatments were completed.

Forest Management - These activities include easements and other management actions. There are several easements in the SGP area and vicinity that are granted and maintained by the Forest Service including: Road Right-of-Way, Forest Road and Trail Act (FRTA) on McCall-Stibnite Road (CR 50-412), Road Right-of-Way and Linear Utility easement to the IPCo. The Yellow Pine Blowdown Project near Yellow Pine was conducted to remove down material from camping and recreating areas, reduce the risk of insect outbreak, and to reduce the fuel loading to help to ensure the safety of the Yellow Pine community. In 2020, the BNF decommissioned approximately 18 miles of non-system routes in the Six-bit Creek and Curtis Creek subwatersheds, part of the SFSR subbasin (Forest Service 2020b).

The South Fork Restoration and Access Management Plan (RAMP) is in the implementation phase with the decision dated July 13, 2021. The project's objective is to determine the minimum road system, improve watershed condition, provide ATV and motorcycle trail opportunities, and provide dispersed camping and parking opportunities. The project includes numerous actions relating to watershed restoration, motorized and non-motorized access, and improvements of recreation facilities within the SFSR watershed within a 329,000-acre project area (<http://www.fs.usda.gov/project/?project=51257>). Target dates for implementation are 2022-2027 (Forest Service 2021a).

Fisheries Restoration – The Nez Perce Tribe began the Johnson Creek Artificial Propagation Enhancement Project in 1998 in response to critically low numbers of returning adult Chinook salmon to Johnson Creek (Columbia River Inter-Tribal Fish Commission 2018). The program uses only natural-origin returns for broodstock, and currently has an annual target release level of 100,000 yearling smolts into Johnson Creek (NMFS 2017).

Further, the Nez Perce Tribe and IDFG translocated adult Chinook salmon from the SFSR to Meadow Creek, but not as part of the Johnson Creek Artificial Propagation Enhancement Project. Since 2008, Chinook salmon spawners were released into Meadow Creek most years. Spawning-ready adult Chinook salmon are periodically translocated from the SFSR to upstream of the Yellow Pine Pit lake barrier with support from the Nez Perce Tribe.

Commercial and Subsistence Harvest of Fish and Wildlife – Past and present harvest of fish and wildlife for recreational and subsistence purposes puts some degree of pressure on those resources. Legal hunting, fishing, and trapping has occurred and is currently occurring in the SGP area and vicinity. Fish and wildlife resources are managed by the Idaho Department of Fish and Game and federal agencies to maintain sustainable populations. Managers use management tools such as harvest limits and areas open and closed to sport and commercial harvest of fish and wildlife to maintain sustainable resources and allocate harvest.

7.4.1.2 Reasonably Foreseeable Future Actions

Table 7-2 includes the RFFAs in the vicinity of the SGP.

Table 7-2 Reasonably Foreseeable Future Actions in the Vicinity of the SGP Area

Project or Activity Name	Agency Document/ District	Brief Description	Approximate Implementation/ Construction/ Operation Dates
Stibnite Mine Site Administrative Settlement Agreement and Order on Consent (ASAOC)	EPA and Forest Service ASAOC	Address legacy mining impacts, including time critical removal actions consisting of stream diversion ditches and removal of about 325,000 tons of development rock and tailings.	2022 - 2024
East Fork Salmon River RAMP	PNF	Scoping for the East Fork Salmon River (EFSR) RAMP estimated to start late 2021. The spatial extent of the EFSR RAMP could include Yellow Pine, Big Creek, and Thunder Mountain within the PNF. The purpose of the EFSR RAMP is travel management. The Forest Service would conduct travel planning to identify a Minimum Road System (MRS) (36 CFR 212 Subpart A) and the routes open for public use (36 CFR 212 Subpart B), including motorized trail opportunities, dispersed camping, and parking opportunities and update the Forest Motor Vehicle Use Map.	Expected Decision: 10/2022 Expected Implementation: 11/2022
Burntlog Route Geophysical Investigation	CE (BNF SOPA)	- Minerals and geology The purpose of the investigation is to collect crucial geophysical data along the existing Burnt Log Road and proposed new alignment between Trapper Creek and Stibnite.	Scoping Start: 02/10/2020 Expected Decision: 03/2022 Expected Implementation: 09/2022
Wildlife Conservation Strategy	EIS (Forest Plan Amendment) 101 (PNF SOPA)	- Land management planning - Wildlife, Fish, Rare plants Short- and long-term management strategies and priorities for maintaining and restoring habitats associated with terrestrial wildlife species.	On hold
Nez Perce Tribe Research Equipment	CE / PNF SOPA	Replacement of an existing propane tank servicing a fish detection system (PIT array) with a 1,000-gallon tank in an existing hardened area to ensure fuel supply through winter months.	Scoping initiation: 11/2021 Expected Decision: 04/2022 Expected Implementation: 07/2022
Stallion Gold – Horse Heaven Project		Surface exploration of gold and antimony deposits. The project consists of 695 unpatented federal mining claims and mineral rights on 13,950 acres. This project would share its eastern boundary with the SGP.	

Table Source: FHWA 2020; Forest Service 2018, 2020a, 2020b, 2020c, 2021a, and 2021b; ITD 2020, 2021
 CE = Categorical Exemption; EA = Environmental Assessment; EIS = Environmental Impact Statement; FHWA-WFLHD = Federal Highway Administration, Western Federal Lands Highway Division; NOA = Notice of Availability; SOPA = Schedule of Proposed Actions.

Past actions on federal, state, and private land have impacted tribal interests in the cumulative effects analysis area. Mining and other activities on federal lands have impacted tribal rights and interests primarily by restricting access, but also by removing natural resources protected under treaties. Many of the past human activities (primarily historic mining in the analysis area) were conducted prior to statutory and regulatory protection measures for natural and cultural resources resulting in the loss of an unknown number of tribal resources and practices.

Descriptions of past, present, and RFFAs considered as part of the cumulative effects analysis are included in **Table 7-3** and presented to summarize impacts from these types of activities for tribal rights and interests.

Table 7-3 Potential Cumulative Effects to Tribal Rights and Interests

Cumulative Project Type	Potential Effects to Tribal Rights and Interests
Mineral exploration and mining activities	Historic mines in the analysis areas have changed the landscape over time through removal of vegetation and displacement of soils. Currently planned or future mine development would further alter the landscape from its natural state during exploratory drilling, development, and operations. During exploratory drilling, development, and operations, the increased ground disturbance may disturb tribal treaty rights, tribal resources, historic properties, sacred sites or places, TCPs, and CLs.
Closure and Reclamation Projects/ Comprehensive Environmental Response, Compensation, and Liability Act Actions	Projects that are currently undergoing reclamation or will in the future would likely cause further damage to any tribal treaty rights, tribal resources, historic properties, sacred sites or places, TCPs, and CLs in the area. These projects would likely be closed and reclaimed, which involves the removal of some of the infrastructure and reclamation of the land to restore native wildlife and plant habitats that are important to Tribes. However, mature forest types would not be available for decades. Several Removal Actions were conducted by the Forest Service, EPA, and Exxon-Mobil Corporation in the mine site and nearby. Perpetua is currently conducting such activities under a current ASAOC with EPA and Forest Service. These actions have the potential to restore landscapes that can eventually restore traditional tribal resources by removing potentially hazardous wastes, mining tailings, and capping historic dumps.
Transportation projects	Road maintenance, improvement projects, and culvert replacements are likely in the analysis area. These types of improvements cause ground disturbance that represents a potential impact to tribal resources, historic properties, sacred sites or places, TCPs, and CLs. Maintenance of existing roadways would likely involve short-term construction activity, while new roadways would have a more permanent effect and would impact previously undisturbed areas. Also related to transportation projects are gravel quarry or gravel pit development to provide fill material for road construction. This activity would be a potential impact to any tribal resources present in those areas.
Infrastructure Development	Local communities perform or obtain permits to upgrade infrastructure such as electrical transmission lines. These development activities can cause ground disturbance than could impact tribal resources, historic properties, sacred sites or places, TCPs, and CLs. These activities can introduce visual and solitude impacts to tribal religious sites.
Recreation and tourism	Recreational activities (i.e., camping, hiking, hunting, trapping, trail riding, firewood harvest, fishing, etc.) are likely to continue to impact traditional tribal resources and potentially place pressure or compete with tribal treaty rights such as access to traditional fishing locations in the future. Increased road and trail networks open new areas to additional human disturbance, which can lead to potential vandalism or accidental destruction of tribal resources, historic properties, sacred sites or places, TCPs, and CLs.

Cumulative Project Type	Potential Effects to Tribal Rights and Interests
Wildfire and noxious weed control projects	Wildfires and noxious weeds have affected tribal resources throughout the analysis areas either by burning vegetation or by increasing visibility of Native American archaeological sites. Additional wildfires are likely to affect tribal resources in the future in the same way. Control of invasive and noxious plant species is likely to have a minimal effect on tribal resources as mechanical or hand-pulling would increase ground surface visibility and would cause ground disturbance.
Watershed Management	This can involve repairs and reclamation of roads and recreation site repairs to prevent erosion into watersheds, but many projects involve only monitoring of erosion of roadway sediments into watersheds and this would not have an impact on tribal resources.

7.4.2 No Action Alternative

Cumulative effects associated with the No Action Alternative could occur with approved activities associated with the Golden Meadows Exploration Project, such as exploratory drilling for mineral resources and construction of support facilities either by Perpetua or other groups on private land. Surface water quality associated with the mine site would improve to an extent due to the removal of legacy mining materials in contact with surface waters in Meadow Creek and the East Fork SFSR under the ASAOC. Cumulative impacts in the analysis area to tribal resources would be minimal in comparison with those under the action alternatives.

7.4.3 2021 MMP

The 2021 MMP, taken together with other concurrent actions and RFFAs would create an increase in ground disturbance, visual and noise intrusions, increased public access in some areas and restricted access in other areas within the analysis area. These cumulative actions would cause disturbances that may harm tribal traditional practices and resources of concern within the cumulative effects analysis area.

7.4.4 Johnson Creek Route Alternative

Cumulative effects to tribal rights and interests under the Johnson Creek Route Alternative would be similar to the 2021 MMP.

7.5 Short-term Uses and Long-term Productivity

This section evaluates the extent to which the alternatives would balance short-term uses, associated with this long-term project, of tribal resources with long-term productivity of the resource. Short-term refers to uses with duration of a few years or less. The goal of this section is to provide a sense of the resilience or sustainability of tribal resources and sacred sites to short-term disturbances associated with the SGP. The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity is applicable only to action alternatives.

The resilience of tribal resources or tribal interests is very low in comparison to other social or biological resources because actions associated with the SGP (i.e., ground disturbance) that may affect tribal resources, subsistence and gathering areas, usual and accustomed fishing places, historic properties, TCPs, CLs, and sacred sites or places would be irreversible. Short-term uses, even uses such as temporary staging areas for transmission line construction or access roads that would later be returned to their pre-construction state, have the potential to permanently impact tribal resources and use areas of importance to the Tribes. There is the potential for the loss of long-term productivity to any tribal resources subjected

to short-term use. The long-term productivity would be damaged due to the length of time of the SGP. Tribes and tribal members would be restricted from accessing their tribal resources within the Operations Area Boundary for a period of 20 or more years potentially impacting their tribal treaty rights.

7.5.1 No Action Alternative

Under the No Action Alternative, there would be no project-related short-term use that would affect tribal rights and interests, and no effect on long-term productivity.

7.5.2 2021 MMP

Under the 2021 MMP, all short-term direct impacts to tribal resources and interests including usual and accustomed fishing places, would lead to a loss of long-term productivity. Some short-term protection measures could lead to long-term productivity (use of more tribal resource subsistence or gathering areas following mine closure) of resources. If tribal harvest areas, sacred sites or places, TCPs or CLs are identified, short-term use may be denied while protecting long-term productivity.

7.5.3 Johnson Creek Route Alternative

Short-term uses versus long-term productivity would be the same as under the 2021 MMP.

7.6 Irreversible and Irretrievable Commitments of Resources

The Council on Environmental Quality guidelines require an evaluation of “any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented” (40 Code of Federal Regulations Part 1502.16). Resources that would be irreversibly or irretrievably used during implementation of the SGP would include a range of natural, physical, human, and financial resources.

Irreversible commitments occur when a resource is permanently affected, consumed, or renewable only over lengthy time spans limiting the future options for use of the resource.

An irretrievable commitment occurs when a resource is not consumed or destroyed, but rather becomes unavailable for use for the foreseeable future. These opportunities are foregone for the period of the proposed action, during which the resource cannot be used. These commitments are reversible, but the utilization opportunities foregone are irretrievable.

The destruction of tribal resources, including subsistence resources, gathering areas, sacred sites or places, TCPs, or CLs, is a permanent and irreversible effect. They are generally non-renewable resources that continue to be important to, used by, and relied upon by the Tribes with interest in the area. If tribal treaty rights are disrupted by restricted access due to implementation of the SGP, these uses become unavailable. If traditional use areas and subsistence resources become no longer viable and/or unavailable for use for the foreseeable future by Tribes with rights in the SGP area this would constitute an irretrievable commitment of resources.

7.6.1 No Action Alternative

Under the No Action Alternative, the SGP would not occur. Consequently, there would be no project-related irreversible or irretrievable commitment of resources as it relates to tribal rights and interests.

7.6.2 2021 MMP

The consequences associated with irreversible and irretrievable commitments may include significant loss of tribally significant resources and the inability of tribal members to utilize traditionally important resources or access traditionally important places. Specific consequences would be identified through government-to-government consultation.

7.6.2.1 Irreversible

Traditionally collected or used natural resources of interest to the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes as reserved in treaties that could be destroyed by the 2021 MMP and constitute an irreversible commitment, regardless of mitigation. Many of these natural resources, such as salmon, plant populations, and trees, are only renewable over long periods of time. Other traditional use areas, such as usual and accustomed fishing places, TCPs, CLs, or sacred sites or places, that could be destroyed or otherwise altered by the 2021 MMP are often non-renewable, particularly if they are landscape features. Once gone, the resources are no longer available for use by the Tribes with rights and interests in the area.

7.6.2.2 Irretrievable

Under the 2021 MMP, the restriction of public access in the Operations Area Boundary would remove the land from other uses while the mine is in operation, but the use would eventually be reversed through removal of the exclusion area and reclamation.

Implementation of the 2021 MMP could result in irretrievable and irreversible commitment of tribal treaty rights and interests if avoidance measures are not implemented, and access restrictions are enforced. For example, prohibiting use of a culturally important area, such as usual and accustomed fishing places, or a sacred site or a cultural or religious TCP District that is a historic property eligible for listing, for 20 years over the life of the SGP could result in the irretrievable and irreversible loss of cultural practices and identity to a generation of tribal members.

7.6.3 Johnson Creek Route Alternative

7.6.3.1 Irreversible

Similar to the 2021 MMP, tribal resources or traditional use areas that could be destroyed by the Johnson Creek Route Alternative would constitute an irreversible commitment. As the Burntlog Route would not be constructed, tribal resources or traditional use areas would not be impacted along that route.

7.6.3.2 Irretrievable

Irretrievable commitments would be the same as under the 2021 MMP.

7.7 Summary

Either action alternative would cause disturbances that may harm tribal resources and would adversely affect tribal rights and interests. Locations of resources important to Tribes identified through consultation and in the tribal ethnographic studies are not publicly disclosed due to confidentiality but are known to be present in the analysis area. Tribal fishing, hunting, and plant gathering activities occurred for millennia in this area, as supported by the archaeological record (Forest Service 2022b), known usual and accustomed fishing places (Geiser 1998), and descendant Tribes that continue to use the analysis area and exercise their rights to harvest and gather resources from their traditional places.

Construction and operation of the SGP would directly and indirectly harm tribal resources through physical impacts during construction, through visual impacts due to alteration of the landscape, as well as through audible elements that would impact solitude and tribal use of the analysis area, for example during spiritual practices and resource harvesting.

Tribal access to the Operations Area Boundary would be restricted during the SGP's construction, operations, and closure and reclamation phases, preventing tribal members from exercising their off-reservation rights to hunt, gather, and pasture on unoccupied federal lands, access streams and springs, and to fish in usual and accustomed places, for a period of 20 years.

The SGP would impact endangered salmon, other fish species, and essential fish habitat. Harm to fish, wildlife, and habitat would in turn impact availability and harvestability of these resources by Tribes at their usual and accustomed fishing places and traditional hunting and gathering places. Although the action alternatives differ in the acres of habitat affected for fish, wildlife, and plant species, there would be an impact to the availability and harvestability of tribal resources caused by the SGP. There are also concerns that the SGP would impact the Tribes' fisheries restoration efforts. The Forest Service has therefore concluded that the SGP would have adverse impacts to tribal rights under either the 2021 MMP or the Johnson Creek Route Alternative. **Table 7-4** provides a summary comparison of tribal rights and interests by issues and indicators for each alternative.

Table 7-4 Comparison of Tribal Rights and Interests Impacts by Alternative

Issue	Indicator	Baseline Conditions	No Action	2021 MMP	Johnson Creek Alternative
<p>The SGP would impact tribal resources, restrict tribal access, and reduce viability and/or availability of culturally significant fish, wildlife, and plants.</p>	<p>Presence of TCPs, CLs, sacred sites or places, and resource harvesting and gathering areas impacted by an increase in ground disturbance.</p>	<p>Tribal resource harvesting and gathering areas and traditional use sites are in the analysis area, including the Old Thunder Mountain Road (FR 440) travel route, portions of the historic Burnt Log Road travel route, the Johnson Creek Road travel route, the East Fork SFSR watershed system associated with a potentially eligible TCP District historic property, and the Riordan Lake shore. Ground disturbance is currently from approved activities confined to a small area of private and NFS lands and use of existing roads and facilities.</p>	<p>Same as baseline conditions.</p>	<p>Direct ground disturbances would increase over baseline and would physically impact the East Fork SFSR watershed system, plus an undisclosed number of other tribal resources, such as tribal travel routes along the Burntlog Route.</p>	<p>Same as 2021 MMP except: Tribal resources, such as tribal travel routes, along Burntlog Route would be avoided. Addition of potential impacts to the Johnson Creek Road travel route.</p>
	<p>Presence of TCPs, CLs, sacred sites or places, and resource harvesting and gathering areas impacted by an increase in audible elements (noise and vibrations).</p>	<p>Tribal resource harvesting or gathering areas and traditional use sites are in the analysis area, including the Old Thunder Mountain Road (FR 440) travel route, Burnt Log Road travel route, the Johnson Creek Road travel route, the East Fork SFSR watershed system associated with a potentially eligible TCP District historic property, and the Riordan Lake shore. Currently the only noise and vibrations disturbance is from approved activities, including underground exploration on private land, with occasional blasting (short-term high noise levels and ground vibrations).</p>	<p>Same as baseline conditions.</p>	<p>Noise and vibrations would increase and include blasting, drilling, and ore crushing at the mine site; temporary increases during construction; and increases due to use of roads during construction and operations (Forest Service 2022j). The increase in noise and vibrations would likely be perceived by tribal members as a reduction in the integrity of setting and solitude and may discourage or detract from potential TCPs, CLs, sacred sites or places, and tribal use of traditional areas.</p>	<p>Same as 2021 MMP except: Upgrades to Johnson Creek Route and use of Johnson Creek and Stibnite roads as the primary route to the mine site for the life of the SGP would result in greater impacts to tribal resources, including the Johnson Creek Road travel route, along these roads due to increased noise and traffic. The Burntlog Route would not be constructed, therefore there would be no noise and vibrations related to construction, use, and maintenance of that route.</p>

Issue	Indicator	Baseline Conditions	No Action	2021 MMP	Johnson Creek Alternative
	<p>Presence of TCPs, CLs, sacred sites or places, and resource harvesting and gathering areas impacted by the visual range of new tall or massive SGP components.</p>	<p>Tribal resource collection areas and traditional use sites are in the analysis area, including the Old Thunder Mountain Road (FR 440), the East Fork SFSR system, and the Riordan Lake shore.</p> <p>The Yellow Pine pit and tailings piles from historical mining activities are present along with a large, capped heap leach pile from mining in the 1980s. The transmission line already exists between Cascade and the village of Yellow Pine.</p>	<p>Same as baseline conditions.</p>	<p>The 2021 MMP would include increased visual components through new open pits, a TSF, and TSF Buttress; new access routes; and a segment of new transmission line.</p> <p>The viewsheds of portions of the East Fork SFSR watershed system, Riordan Lake, and the Old Thunder Mountain Road travel route, would be altered (Forest Service 2022k).</p> <p>The increase in visual impacts would likely be perceived by tribal members as a reduction in the integrity of setting and solitude and may discourage or detract from potential TCPs, CLs, sacred sites or places, and tribal use of traditional areas.</p> <p>Changes to the landscape would have localized, long term to permanent, negligible to major impacts on nearby ceremonial or traditional use sites.</p>	<p>Same as 2021 MMP, except: Johnson Creek Route Alternative would not include the Burntlog Route, which would reduce visual effects at Riordan Lake and other traditional use areas along that route.</p> <p>Addition of potential impacts to the Johnson Creek Road travel route.</p>

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Issue	Indicator	Baseline Conditions	No Action	2021 MMP	Johnson Creek Alternative
	Changes in tribal access due to the restricted access to Operations Area Boundary.	Tribal access and use of the region has had long-standing and on-going cultural importance and subsistence value. Currently there is no restricted access on NFS lands in the SGP area. Some restrictions are in place on private lands.	Same as baseline conditions.	The SGP would restrict tribal access to 14,221 acres within the Operations Area Boundary, potentially restricting access to usual and accustomed fishing places, streams and fountains, and potential TCPs, CLs, sacred sites or places within that area. However, public and tribal access would be provided through the mine site (Forest Service 2022c). Impact would be localized, long term, and moderate to major. Burntlog Route and new over-snow vehicle groomed trails would provide new and/or improved access to the SGP mine area and vicinity, including the Riordan Lake area and FCRNRW, which could have a negative impact to tribal members if there is an actual or perceived decrease in their access to, availability, and/or quality of tribal resources or a positive impact by providing Tribes year-round access to previously inaccessible traditional use areas. Length of time of restricted access is 20 years. This could result in loss of tribal cultural practices important to tribal identity.	Same as 2021 MMP, except: Burntlog Route would not be constructed. Addition of potential impacts to the Johnson Creek Road travel route. Stibnite Road would not be returned to its pre-mining width and traffic would be greatly reduced. This could encourage use of tribal resources east of the mine.
	Changes to water quality and quantity of both surface water and groundwater in relation to how it affects wildlife, fisheries, vegetation, or other resources.	The East Fork SFSR watershed supports wildlife, wildlife habitat, and fisheries. The 1863 Treaty with the Nez Perce Tribe reserved the use of springs and fountains including perpetual rights-of-way to and from them.	Same as baseline conditions.	Water quality of surface flow departing from the Operations Area Boundary would be the same or better than baseline conditions (Forest Service 2022d). Surface water available for tribal use in the area would not be impacted above human drinking water standards by the SGP.	Same as 2021 MMP.

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Issue	Indicator	Baseline Conditions	No Action	2021 MMP	Johnson Creek Alternative
	Changes to species viability and/or availability for tribal harvest of fish.	<p>Tribes fish, hunt, and gather plants in the SGP area.</p> <p>Currently the Yellow Pine pit passage barrier blocks fish passage, and there are legacy chemical contaminants in downstream waters from historic mining.</p> <p>The SFSR and tributaries are an aquatic stronghold and recovery area for fish species of cultural significance. Tribes are managing fish and restoring habitat within this area.</p>	Same as baseline conditions.	<p>The SGP would affect fish and fish habitat through stream channel changes, increased stream temperature, loss of habitat, and behavioral changes (Forest Service 2022g). This could impact a Tribe’s ability to harvest fish in their usual and accustomed fishing places.</p> <p>Population-level effects are not expected from construction, but after reclamation the net effect would be:</p> <p>A loss of habitat quality and quantity for Chinook salmon, bull trout, and cutthroat trout.</p> <p>A net gain of habitat quality and quantity for steelhead trout.</p> <p>Water quality improvements from removal of legacy mine materials would partially, but not completely, offset geochemical impacts associated with the SGP (Forest Service 2022d).</p> <p>Use of Johnson Creek Route during construction, may impede tribal fisheries restoration activities along Johnson Creek road.</p>	<p>Same as 2021 MMP, except:</p> <p>A loss of habitat quality and quantity of habitat for steelhead trout.</p> <p>Use of Johnson Creek Route for the life of the mine (approximately 20 years), may impede tribal fisheries restoration activities along Johnson Creek road.</p>
	Changes to species viability and/or availability for tribal harvest of wildlife.	Tribes fish, hunt, and gather plants in the SGP area.	Same as baseline conditions.	<p>The SGP would affect wildlife, including special-status species and species of cultural importance, through loss of habitat (Forest Service 2022i). Loss of habitat may in turn impact a Tribe’s ability to harvest and manage their traditional wildlife resources in the SGP area.</p> <p>Ground disturbance/Direct habitat impacts: 3,266 acres</p>	<p>Same as 2021 MMP, except:</p> <p>Ground disturbance/Direct habitat impacts: 3,095 acres</p> <p>Burntlog Route would not be constructed, therefore no habitat fragmentation or wildlife displacement in this area.</p>

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Issue	Indicator	Baseline Conditions	No Action	2021 MMP	Johnson Creek Alternative
	Changes to species viability and/or availability for tribal harvest of plants.	Tribes fish, hunt, and gather plants in the SGP area.	Same as baseline conditions.	<p>The SGP would affect plant species of cultural importance through varying degrees of impacts to vegetation and special status plants that would contribute to an adverse cumulative impact on these resources (Forest Service 2022h). Loss of habitat may in turn impact a Tribe's ability to harvest and manage their traditional plant resources in the SGP area.</p> <p>Revegetation in these areas would contribute to cumulative benefits, including ability of Tribes to harvest and manage their traditional plant resources in the SGP area.</p> <p>Acres of vegetation disturbance/ clearing: 3,562 acres</p>	Same as 2021 MMP, except: Acres of vegetation disturbance/clearing: 3,269 acres.
	Acres of access and traditional use areas that would be unavailable for the duration of mining activities to exercise treaty rights.	Tribes access their usual and accustomed fishing places, hunting areas, and plant gathering areas consistent with their reserved rights.	Same as baseline conditions.	The long-term loss of approximately 13,441 acres of federal land within the Operations Area Boundary. A localized, long-term, and moderate to major impact for access to specific use areas. Public and tribal access would be provided through the mine site (Forest Service 2022c).	Same as 2021 MMP.
	Known archaeological, cultural resource, and traditional use sites impacted by the Project and visibility of disturbances to these areas.	15 pre-contact archaeological resources within the physical APE for heritage resources. An additional 21 pre-contact archaeological resources are within the greater visual, auditory, vibratory APE.	Same as baseline conditions.	<p>Operations Area Boundary – 1 pre-contact site to be avoided by protective measures.</p> <p>Burntlog Route – intersects 2 tribal travel routes.</p> <p>Transmission Line upgrade – 4 pre-contact sites to be avoided by design or protective measures.</p> <p>The impact to tribal historical and archaeological sites would be localized, temporary to permanent, and negligible to minor.</p>	Same as 2021 MMP except: Tribal travel routes not intersected by mine access road.

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Issue	Indicator	Baseline Conditions	No Action	2021 MMP	Johnson Creek Alternative
	Changes in air quality in relation to how that affects wildlife, fisheries, and vegetation, or visibility impacts from fugitive emissions to areas of tribal importance.	Air quality is designated as in attainment for all NAAQS and Idaho Ambient Air Quality Standards.	Same as baseline conditions.	Air quality impacts would not exceed NAAQS. Impacts to tribal treaty rights and tribal resources due to haze would be localized, long term, and negligible to minor.	Same as the 2021 MMP.

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APPENDIX A
CONSULTATION AND COORDINATION TABLE

Consultation and Coordination Summary

Date	Description	Reference
09/11/2012	Letter: Letter from Idaho SHPO to Forest Service concurring with site evaluations for the Golden Meadows Project that the 23 sites do not retain sufficient integrity to be eligible in a historic district.	20120911_SHPOtoFSLtrConcurrence
12/07/2016	Meeting: Quarterly informal meeting with the Nez Perce Tribe. Stibnite Gold Project included in agenda.	20161207_NPTQuarterlyAgenda
02/01/2017	Letter: Letter from the Nez Perce Tribe Executive Committee to Forest Service expressing concern that Midas Gold's geotechnical study may impact treaty-reserved resources (i.e., drilling next to streams may impact juvenile fish) and requesting staff-to-staff consultation with the PNF, NOAA, and USFWS.	20170201_NPTECtoFSLtrConsultationRequest
03/01/2017	Meeting: Quarterly informal meeting with the Nez Perce Tribe. Stibnite Gold Project included in agenda.	20170301_NPTQuarterlyAgenda
03/03/2017	Email: Forest Service email to NOAA, as well as USFWS, the Nez Perce Tribe, and Midas Gold summarizing the staff-to-staff meeting held that morning regarding the Nez Perce Tribe's concerns that the geophysical testing would impact juvenile fish. A resolution to monitor sound impacts using a geophone or hydrophone was mutually agreed upon by all parties.	20170303_FStoNPTECEmailResponseToConsult <i>Responsive to</i> 20170201_NPTECtoFSLtrConsultationRequest
03/29/2017	Email: Email documenting the McCall Rangers notes from the Nez Perce Tribal Executive Committee's All Forest Meeting. Stibnite Gold Project included in discussion.	20170329_NotesFromNPTEC_AllForestMeeting
03/30/2017	Letter: Letter from the Nez Perce Tribe acknowledging the staff-to-staff meeting on March 3, 2017, and the agreement to monitor sound in the streams during the geotechnical study.	20170330_NPTECtoFSLtrMonitoringMeeting
04/11/2017	Letter: Letter from the Forest Service to the Shoshone-Paiute Tribes with an introduction to the Stibnite Gold Project, which would be presented at the April 13, 2017, meeting.	20170411_FStoSPTLtrFormalConsult
04/12/2017	Email: Forest Service email to Shoshone-Bannock Tribes requesting a meeting date to provide the overview scope of the Stibnite Gold Project.	20170412_FStoSBTEmailRequestConsult
04/13/2017	Meeting: Formal government to government consultation meeting with the Shoshone-Paiute Tribes to introduce the Stibnite Gold Project. Topics include overview of project components and NEPA process.	20170413_AgendaWingsRootsSPT 20170413_BPforWingsRootsSPT 20170413_MeetingNotesWingsRootsSPT

Date	Description	Reference
05/11/2017	Meeting: Formal consultation meeting with the Shoshone-Paiute Tribes regarding the Stibnite Gold Project. Does Tribe want to participate as cooperating agency? Topics include heap versus leach, restoration, reclamation bonding, traffic impacts, and tribal trust responsibilities.	20170511_FStoSPTLtrFormalConsult 20170511_AgendaWingsRootsSPT 20170511_MeetingNotesWingsRootsSPT 20170511_BPforWingsRootsSPT
05/18/2017	Field Visit: Forest Service and Nez Perce Tribe site visit to the Stibnite Gold Project area.	No notes or agenda found, but mentioned in email within Project Record (old file name Document #131)
05/23/2017	Meeting: Forest Service and Nez Perce Tribe government to government formal consultation meeting. Forest Service presented an overview of the Stibnite Gold Mine project and the NEPA process. Does Tribe want to participate as cooperating agency? Concerns expressed included new road construction impacts on wildlife and cultural resources, proponent influence on third-party NEPA contractor, reclamation, bonding, fisheries, recreation, groundwater, air quality, changes in access, etc.	20170523_MeetingNotesNPTEC_FormalConsult 20170523_NPTStaff_PreConsultForm 20170523_BPforNPTEC
05/31/2017	Letter: Request for public scoping input from the Shoshone-Paiute Tribes of Duck Valley. Hand delivered at Wings and Roots meeting on June 8, 2017 (20170601_EmailDeliveryof20170531_FStoSPTLtr_ScopingComtPeriod).	20170531_FStoSPTLtr_ScopingComtPeriod
06/1/2017	Letter: Request for public scoping input from the Shoshone-Bannock Tribes.	20170601_FStoSBTLtr_ScopingComtPeriod
06/6/2017	Letter: Request for public scoping input from the Nez Perce Tribe on the Stibnite Gold Project.	20170606_FStoNPTLtr_ScopingComtPeriod
06/07/2017	Meeting: Quarterly informal meeting with the Nez Perce Tribe. Stibnite Gold Project included in agenda.	20170607_AgendaStafftoStaffNPT 20170607_BPforQuarterlyNPT 20170607_MeetingNotesQuarterlyNPT
06/08/2017	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribe. Forest Service conducted formal tribal consultation regarding the Stibnite Gold Project. The NEPA scoping package was delivered to the Tribe. Other topics of discussion included publication of the NOI and commencement of the public scoping period, as well as request for comment and input.	20170607_FStoSPTLtr_ScopingComtPeriod 20170608_AgendaWingsRootsSPT 20170608_BPforWingsRootsSPT 20170608_MeetingNotesWingsRootsSPT
06/26/2017	Meeting: Monthly meeting between Forest Service and Nez Perce Tribe regarding Midas Gold projects. Topics of discussion include adequacy of cultural resources data, availability of baseline reports, project schedules, and concern about how APE is being defined for this project without consultation with the Tribe.	20170626_MeetingNotesStafftoStaffNPT

Date	Description	Reference
07/10/2017	Letter: Letter from the Forest Service to the Shoshone-Paiute Tribes with an update on public meetings and Tribal comment opportunity, which would be presented at the July 14, 2017 meeting.	20170710_FStoSPTLtrFormalConsult
07/13/2017	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribe. Forest Service conducted formal tribal consultation regarding the Stibnite Gold Project with an update on the NEPA process, public scoping meetings were held June 27-29, and request for input on proposed action. The Tribal chairman stated there is contemporary and on-going use of the project area and an ethnographic study needs to be conducted. Tribe requested additional meetings with the Forest Service.	20170713_AgendaWingsRootsSPT 20170713_BPforWingsRootsSPT 20170713_EmailNotesSPT
07/20/2017	Letter: From the Shoshone-Bannock Tribes response to SGP public scoping request	20170720_SBTtoFSLtrScopingComments
07/26/2017	Meeting: Staff to Staff informal consultation between the Forest Service and the Shoshone-Bannock Tribes topics included monitoring, bonding, water impacts, transporting of Antimony.	20170726_BPforSBT 20170726_MeetingNotesSBT 20170726_PresentationSBT 20170726_StafftoStaffSignInSBT
07/26/2017	Meeting: Government to government formal consultation meeting to introduce the SGP to the Shoshone-Bannock Tribes. Forest Service presented an overview of the SGP, identification of NEPA cooperators, public scoping period that ended July 20, 2017, request for tribal comments and input now and throughout the NEPA process, and project schedule. Tribal concerns expressed included impacts to the Tribes past efforts at clean-up and restoration efforts, disturbance of existing mine waste, violation of treaty rights, impacts to resources of concern, reclamation, and access, among others.	20170726_BPforSBT 20170726_MeetingNotesSBT 20170726_PresentationSBT 20170726_StafftoStaffSignInSBT
07/31/2017	Meeting: Monthly meeting between Forest Service and Nez Perce Tribe regarding Midas Gold projects. Topics of discussion included public scoping meetings and comments received, the pending ethnographic study, the geophysical project, and the inadequacy of the cultural baseline report.	20170731_AgendaStafftoStaffNPT 20170731_MeetingNotesStafftoStaffNPT
08/02/2017	Letter: Letter from Forest Service to the Shoshone-Bannock Tribes acknowledging Tribal concerns shared through their July 20, 2017 scoping letter and the July 26 consultation meeting. Tribal concerns acknowledged include impacts to the Tribe's ability to exercise treaty-reserved rights, impacts to fish, air, cultural resources, vegetation, water quality, soils, and viewsheds, as well as concerns regarding reclamation and restoration. Letter inquired as to how the Tribe would like to conduct consultation moving forward, how often, and how to proceed with ethnographic study.	20170802_FStoSBTLrtResponsetoConsult

Date	Description	Reference
08/28/2017	Meeting: Monthly meeting between Forest Service and Nez Perce Tribe regarding Midas Gold projects. Topics of discussion included ethnography, baseline reports, modeling, and baseline conditions.	20170828_AgendaStafftoStaffNPT 20170828_MeetingNotesStafftoStaffNPT
09/06/2017	Meeting: Quarterly informal meeting with the Nez Perce Tribe. Review of project status including review of introduction of project to staff and executive committee, previous staff-to-staff meetings, NEPA scoping, and the ethnographic study.	20170906_BPforQuarterlyNPT
09/06/2017	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribe. Forest Service conducted formal tribal consultation regarding the Stibnite Gold Project. Topics of discussion included the ethnographic study and use of Dr. Deward Walker for that study, cultural baseline reports, scoping comments, the geophysical investigation, and concerns related to EJ and CERCLA.	20170906_MeetingNotes1WingsRootsSPT 20170906_MeetingNotes2WingsRootsSPT
09/08/2017	Letter: Forest Service letter regarding the Nez Perce Tribe ethnographic study information to be provided by the Nez Perce Tribe and how it may be incorporated into the Midas Gold Geophysical Investigation Project analysis and decision as well the SGP analysis and decision, if made available.	20170908_FStoNPTLtrEthnoStudies
09/12/2017	Email: Forest Service email to the Shoshone-Bannock Tribe inquiring about how the Tribe would like to proceed with the ethnographic study that would be funded by Midas Gold.	20170912_EmailFStoSBTEthnoStudyFollowUp
09/25/2017	Meeting: Monthly meeting between Forest Service and Nez Perce Tribe regarding Midas Gold projects. Topics of discussion included the geophysical testing project, the BA, the cultural report, the ethnographic study, introduction of third-party consultant AECOM, alternatives development, request for fisheries baseline data from Tribe, and the SGP timeline.	20170925_MeetingNotesStafftoStaffNPT
09/27/2017	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribe. Forest Service conducted formal tribal consultation regarding the Stibnite Gold Project. Topics discussed include the ethnographic study, statement of work, communications protocol, bonding and liability insurance, and future meeting schedule.	20170927_AgendaWingsRootsSPT
09/27/2017	Letter: Letter from Forest Service to Shoshone-Paiute Tribes confirming path forward to complete an ethnographic study utilizing Dr. Deward Walker as a subconsultant to AECOM, the third-party NEPA contractor.	20170927_FStoSPTLrtEthnoStudies

Date	Description	Reference
10/30/2017	Meeting: Forest Service meeting with the Nez Perce Tribe regarding Midas Gold projects. Topics discussed included information sharing, the Stibnite Gold Project EIS timeline, the No Action Alternative, recreation/access options in the Plan, the ethnographic study, and milestones, 2017 geotechnical exploration, cone penetrometer testing update, and next meeting date.	20171030_AgendaStafftoStaffNPT
10/30/2017	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribe. Forest Service conducted formal tribal consultation regarding the Stibnite Gold Project. Topics discussed include the cultural resource documentation for the project area, ethnographic study, and future meeting schedule.	20171030_MeetingNotesWingsRootsSPT
11/16/2017	Meeting: Forest Service staff-to-staff meeting with the Nez Perce Tribe. Heritage Program. Topics discussed included SGP Ethnography, Heritage Program Tribal Internships, SF CMT Grove update.	20171116_BPforNPT
11/27/2017	Meeting: Forest Service staff-to-staff meeting with Nez Perce Tribe. Topics discussed included status of cultural resource reports, air quality emissions inventory, project schedule, FOIA and data requests, Golden Meadows drilling project, water monitoring, 404 permit application status, stream channel functional assessment, Burntlog route, and upcoming reports.	20171127_MeetingNotesStafftoStaffNPT
11/30/2017	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribe. Tribal consultation meeting regarding the Stibnite Gold Project. Topics discussed include cultural resource documentation for the project area (Tribes requested copies), Tribes requested summary total of acres for the APE, cultural resource terminology concerns, request for scoping report, the ethnographic study, and scheduling of future meetings.	20171130_MeetingNotesWingsRootsSPT
12/11/2017	PNF request for NPT fisheries data in the SF Salmon River basin, request for additional information number 63.	20171211_FStoNPTLrtRequestAquaticsData
12/29/2017	NPT submittal of fisheries data to R4 RF, enclosures: cover letter, data & reports, separate letter requesting clarity on info-sharing processes	20171229_NPTtoFSLtrDataSharing (data and reports are included elsewhere in the project record)
01/26/2018	Letter: Forest Service letter to the Nez Perce Tribe regarding the information sharing process with the Tribe. Attached to letter is information sharing protocol.	20180126_FStoNPTLrtG2GSharingProtocol
02/06/2018	Email: Forest Service email to Nez Perce Tribe providing shapefiles of the draft APE, powerline, and roads.	20180206_EmailFStoNPTdraftAPE
02/06/2018	Letter: Forest Service letter to Shoshone-Bannock Tribes coordinating the ethnographic study process and inquiring about staff-to-staff meetings.	20180206_FStoSBTLrt

Date	Description	Reference
02/26/2018	Meeting: Forest Service staff-to-staff meeting with Nez Perce Tribe. Topics discussed included the Yellow Pine pit sampling project, alternatives development, data sharing protocol, timeline update, specialist reports, ethnographic study, modeling reports, the geophysical investigation project status and schedule, and upcoming meetings.	20180226_MeetingNotesStafftoStaffNPT
03/02/2018	Letter: Shoshone-Bannock Tribes letter to Forest Service confirming their interest in being involved in interdisciplinary meetings, conference calls, and document reviews. Letter provided three contacts to include in all correspondence.	20180302_SBTtoFSLtrParticipation
03/23/2018	Letter: Forest Service letter to the Shoshone-Bannock Tribes affirming the Tribes' interest in project involvement and proposing regularly scheduled staff-to-staff conference calls, as well as coordination to conduct the ethnographic study for the Tribes.	20180323_FStoSBTLtrResponseParticipation
04/05/2018	Letter: Forest Service letter to Shoshone-Paiute Tribes requesting formal consultation and providing a list of Forest projects for the upcoming Wings and Roots Meeting (April 12, 2108), as well as the current SOPA report.	20180405_FStoSPTLtrFormalConsult
04/09/2018	Meeting: Forest Service staff-to-staff meeting with the Nez Perce Tribe. Topics discussed included alternatives development, timeline update, joint formal consultation between Tribe and other agencies (USACE, NOAA, FWS, EPA, FS), and upcoming meetings.	20180409_MeetingNotesStafftoStaffNPT
04/16/2018	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included staff introductions, meeting schedule going forward, project schedule, the ethnographic study, cultural resource reports, the archaeology APE, and access to the AECOM project SharePoint site.	20180416_MeetingNotesStafftoStaffSBT
04/25/2018	MOU: Memorandum of Understanding for consultation by and between the Shoshone-Bannock Tribes and the USDA Forest Service. Topics included technical coordination, govt-to-govt consultation, communications, information and education, and confidentiality.	20180425_MOU.SBT.FS
05/11/2018	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes. Forest Service conducted formal tribal consultation regarding the Stibnite Gold Project. Topics discussed include the ethnographic study, ESA consultation (invite EPA and USACE to next meeting), air quality modeling, water quality baseline data, public access alternative (i.e., road through mine per public comment etc.), NEPA process, and schedule.	20180511_AgendaWingsRootsSPT 20180511_BPWingsRootsSPT 20180511_MeetingNotesWingsRootsSPT

Date	Description	Reference
05/16-17/2018	Emails: Forest Service email recap to Nez Perce Tribe regarding previous day's conference call. Topics included Areas (Class I and Class II) that the Forest Supervisor recommended for far-field (CALPUFF) modeling, the 3 boundaries comprising the Nez Perce lands, and that Nez Perce air staff to learn more about the project and DEQ permits associated with it. Additionally, the Tribe is interested in visibility, deposition, and biological effects although it is understood that is above the scope of the model.	20180516_EmailRecapAirModelingDiscussionNPT 20180517_EmailAirCommentsNPT
05/21/2018	Meeting: Monthly Forest Service and Shoshone-Bannock Tribes staff-to-staff call to discuss the Stibnite Gold Project. Topics discussed included status of project timeline, providing documents for Tribal review through SharePoint site, and the ethnographic study.	20180521_MeetingNotesStafftoStaffSBT
06/06/2018	Meeting: Monthly Forest Service and Nez Perce Tribe staff-to-staff call to discuss the Stibnite Gold Project. Topics discussed include NEPA timeline, alternatives development, access route alternatives development, coordination of a permit presentation with the agencies, visibility and deposition impacts, PSD analysis, mercury and arsenic, ore processing and emissions, schedule for 404 permit, methylmercury white paper, and upcoming calls.	20180604_EmailAgendaItems20180606NPT 20180606_MeetingNotesStafftoStaffNPT
06/22/2018	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes. Monthly ad-hoc meeting regarding the Stibnite Gold Project. Topics discussed include executive session, delivery of baseline reports, public access alternative route, tribal request to participate in cooperator calls, ESA Section 7 consultation process, ethnographic study, and project schedule status.	20180622_MeetingNotesWingsRootsSPT 20180622_AgendaWingsRootsSPT
07/13/2018	Email: Forest Service email inquiry to Nez Perce Tribe on availability of a list of plants of concern to the Tribe. Included response that the Tribe did not have list they could release at that time.	20180713_EmailFStoNPTherbaceousSpeciesConcern
07/16/2018	Meeting: Monthly Forest Service and Shoshone-Bannock Tribes staff-to-staff call to discuss the Stibnite Gold Project. Topics discussed included ethnographic study, document sharing, project timeline, Burntlog route geotechnical work, ESA consultation, and upcoming meeting schedule.	20180716_MeetingNotesStafftoStaffSBT

Date	Description	Reference
07/23/2018	Meeting: Meeting via phone between Forest Service, Nez Perce Tribe, and EPA regarding critical loads. EPA explained background for critical loads, how they are developed, decisions that land managers make in setting them for a given area, deposition estimates available, how to identify areas in exceedance, types of critical loads, scales at which they are applicable, how they are being used, and what it would take to do a critical load analysis for an individual NEPA project like Stibnite. The Tribe requested that a critical loads analysis be done for the area they identified once deposition figures are provided, as well as other wilderness and Class I areas where visibility analysis and air modeling is being done.	20180723_EmailMeetingNotesCriticalLoadsCallNPT
07/30/2018	Meeting: Monthly Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included alternatives development, mitigation plan reviews, Yellow Pine Pit sampling update, upland wildlife report, air quality, ore processing, geophysical survey of Burntlog route, methylmercury white paper, and NPT training regarding metal mining discharge impacts.	20180730_MeetingNotesStafftoStaffNPT
8/20/2018	Meeting: Monthly Forest Service and Shoshone-Bannock Tribes staff-to-staff call to discuss the Stibnite Gold Project. Topics discussed included timeline and process update, monitoring and mitigation design, air and water quality modeling results, and document sharing.	20180820_MeetingNotesStafftoStaffSBT
08/27/2018	Meeting: Monthly meeting between Forest Service and Nez Perce Tribe regarding Midas Gold projects. Topics of discussion included air quality, alternatives development, NEPA timeline, and the ethnographic study.	20180827_MeetingNotesStafftoStaffNPT
09/17/2018	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff monthly meeting regarding the Stibnite Gold Project. Discussion topics included the ethnographic study, document sharing, and project timeline.	20180917_MeetingNotesStafftoStaffSBT
09/17/2018	Email: Forest Service email to Nez Perce Tribe staff regarding how the USACE and Forest Service decisions (LEDPA and preferred alternative) on the Stibnite Gold Project would relate to each other.	20180918_EmailLEDPA.NPT
10/01/2018	Meeting: Monthly Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included project schedule, air analysis, other technical sessions provided by Midas Gold, alternative development, 404 process, and FS NOI update to Locatable Minerals regulations (36 CFR 228A).	20181001_MeetingNotesStafftoStaffNPT
10/03/2018	Email: Email requestion cancelation of the Oct. staff-to-staff meeting.	20181003_EmailCancelOctStafftoStaffNPT

Date	Description	Reference
11/09/2018	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes. Monthly ad-hoc meeting regarding the Stibnite Gold Project. Topics discussed include status of ethnographic study, decision regarding ESA consultation, October SOPA letters, learning review letter, and Midas Gold visit to USDA.	20181109_AgendaWingsRootsSPT
11/15/2018	Meeting: Forest Service had a meeting with AECOM, the third-party consultant, to discuss the initiation of the Programmatic Agreement process. This was the initial kick-off meeting for this process. Topics discussed include SHPO consultation on APE, Tribes acceptance of APE, site avoidance, ethnographic studies, Stibnite historic district, and the cultural resource technical report.	20181115_MeetingNotesInternalPA
11/18/2018	Meeting: Monthly Forest Service and Shoshone-Bannock Tribes staff-to-staff call to discuss the Stibnite Gold Project. Topics discussed included Environmental Justice issues, status of contracting ethnographic study with Midas Gold, and project timeline.	20181118_MeetingNotesStafftoStaffSBT
11/29/2018	Meeting: Forest Service and Nez Perce Tribe Air Staff. Responding to request to provide update on project.	20181129_MeetingNotesResponseAirNPT
12/17/2018	Meeting: Monthly Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included project timeline, environmental justice, water modeling, the ethnographic study, and the cultural technical report.	20181217_MeetingNotesStafftoStaffSBT
01/28/2019	Meeting: Monthly Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included project status, alternatives, how ModPRO changes will be reflected (new Plan or just in DEIS?), project schedule, mitigation, vegetation surveys, Golden Meadows drilling project status, and traffic upgrades in city and county.	20190124_EmailAgendaItemsforStafftoStaffNPT 20190128_MeetingNotesStafftoStaffNPT
02/19/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff monthly meeting regarding the Stibnite Gold Project. Discussion topics included project timeline, environmental justice, ethnographic study status, water modeling, cultural technical report, programmatic agreement process, and meeting schedule.	20190219_MeetingNotesStafftoStaffSBT
03/04/2019	Letter: Forest Service letter to the Shoshone-Paiute Tribes of Duck Valley. Formal consultation letter regarding transmittal of Stibnite Gold Project background information and the Stibnite Gold Mine Project Archaeological Fieldwork Summary Report.	20190304_FStoSPTLtrFromalConsultBackgroundArch FieldworkSummary
03/06/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included refined alternatives (ModPRO), project timeline, technical reports, HB 141 bonding bill, request for briefing on USFS locatable minerals regs, and providing a wetlands mitigation overview map.	20190306_MeetingNotesStafftoStaffNPT

Date	Description	Reference
03/18/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included ethnographic study status, summary of prior cultural resources work, project timeline, environmental justice, water modeling, and upcoming changes to proposed action.	20190318_MeetingNotesStafftoStaffSBT
03/27/2019	Letter: Letter from Nez Perce to the Forest Service requesting formal consultation regarding the Stibnite Gold Project. Letter states that any harm to the habitat that supports the Tribe's treaty-reserved resources is of vital interest to the Tribe and its members.	20190327_NPTECtoFSLtrRequestFormalConsult
04/15/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff monthly meeting regarding the Stibnite Gold Project. Discussion topics included technical reports provided by Midas Gold, project timeline, and status of the ethnographic study.	20190415_MeetingNotesStafftoStaffSBT
04/22/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included the all-forest meeting hosted by the Nez Perce the previous week, the NEPA timeline and document delivery updates, alternatives development and modification, 404 permit application and govt to govt consultation with USACE, bonding responsibilities, HB 141 (Mined Land Reclamation Act), Section 7 consultation, fish analysis, air quality modeling, resource technical reports update, range of alternatives, information sharing between Midas and the Tribe, current Stibnite road conditions, next formal consultation meeting, and next monthly meeting.	20190422_MeetingNotesStafftoStaffNPT
05/15/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. The Tribe produced an ethnographic document but they have concerns about confidentiality and sensitivity of the information contained in the report. A redacted version will be submitted to the Forest Service. Discussion on how to provide the decision maker with information on Tribal interests while retaining strict control of sensitive content. Forest Service is pursuing a programmatic Agreement with ACHP and SHPO. The Tribe would like to be a signatory on the PA. Other topics discussed included cultural resource surveys for off-site infrastructure, inclusion of the power line in the programmatic agreement, ESA consultation status, alternatives update, Golden Meadows project status, state rulemaking, and agenda items for upcoming meeting. Tribe is concerned about who is in charge of ESA process (Midas or FS?). Tribe requested being involved in ESA consultation process similar to state agencies.	20190515_MeetingNotesStafftoStaffNPT
05/16/2019	Email: Email from Forest Service to Nez Perce providing citations and links to federal direction on confidentiality including EO 13007 (sacred sites), NHPA, and ARPA.	20190516_EmailFStoNPTConfidentialityDirection

Date	Description	Reference
05/17/2019	Email: Email from Forest Service to Nez Perce Tribe transmitting requested documents (records pertaining to communications between Midas Gold, USDA, the State of Idaho, and the Forest Service regarding the state of Idaho's participation in Section 7 ESA Level 1 meeting on the SGP).	20190517_EmailFStoNPTRRecordResponseESA
05/20/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff monthly meeting regarding the Stibnite Gold Project. Discussion topics included USACE to provide 404 update to tribes at an upcoming staff-to-staff meeting, ethnography (no update), Midas Gold technical reports, summary of prior cultural resource survey work, and project timeline.	20190520_MeetingNotesStafftoStaffSBT
05/21/2019	Email: Email between Forest Service and Nez Perce Tribe regarding Forest Service intent to include the power line in the Section 106 programmatic agreement.	20190521_EmailFRegardingPowerline106NPT
05/23/2019	Meeting: Formal government to government meeting between the Forest Service and the Nez Perce Tribe. Topics discussed included general overview of project, alternatives development, project timeline, and regulatory agency consultation. Concerns expressed included dry-out time for slurry, emergency plan for reservoir, reclamation, ESA consultation process, heavy metals waste, water quality, and minerals laws/pending directives. Forest Service provided a power point presentation of the proposed year by year progression of site development.	20190523_MeetingNotesNPTEC_FormalConsult
05/24/2019	Letter: Letter from Forest Service to Nez Perce Tribe accepting invitation for formal consultation. A list of information to be presented during formal consultation included: general overview of project, the proposed year by year progression of site development, alternatives development, project timeline, and regulatory agency consultation. Letter acknowledged receipt of ethnographic study.	20190524_FStoNPTECLtrResponseFormalConsult
05/28/2019	Meeting: Formal government to government meeting between the Forest Service and the Nez Perce Tribe. Forest Service provided a power point presentation of the proposed year by year progression of site development.	20190528_FSPresentationNPTEC
05/30/2019	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes. Formal consultation meeting. Topics included status of ethnographic study, cultural resources summary report, proposed community agreements with Midas Gold, project status and timeline, availability of final draft documents for tribal review, and USACE attendance in upcoming meeting to provide info regarding 404 permit to Tribes. Forest Service provided a power point presentation of the proposed year by year progression of site development. Documents provided to the Tribes at this meeting included the cultural resources summary report, correspondence regarding ESA consultation, SOPA information, and other correspondence.	20190530_MeetingNotesWingsRootsSPT 20190530_FSPresentationSPT

Date	Description	Reference
06/17/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff monthly meeting regarding the Stibnite Gold Project. Discussion topics included Tribes intention to sue Midas Gold for CWA violations, USACE attendance in upcoming meeting to provide info regarding 404 permit to Tribes, project timeline, and status of ethnographic study.	20190617_MeetingNotesStafftoStaffSBT
06/26/2019	Letter: Letter from the Nez Perce to the Forest Service requesting participation in the ESA consultations for the SGP. As part of the govt-to-govt relationship, the Tribe would like to be a part of the conversations affecting its treaty resources.	20190626_NPTECtoFSLtrRequestingParticipationESA
07/07/2019	Email: Forest Service email to Wings and Roots facilitator providing a portion of Midas Gold's email regarding tribal participation in the ESA process and inquiring if there are Shoshone-Paiute Tribes staff available to attend meetings.	20190707_EmailFStoWingsRootsFacilitator ParticipationESA
07/08/2019	Email: Shoshone-Paiute Tribes staff email to Wings and Roots facilitator responding to the forwarded email from Forest Service (07/07/2019).	20190708_EmailSPTtoFSParticipationESA
07/11/2019	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP. Topics discussed included ESA consultation, BFPP/WQSR, status of ethnographic study, document sharing, NEPA/ESA/Minerals rulemaking changes, alternatives status, and project timeline.	20190711_AgendaWingsRootsSPT 20190711_BPWingsRootsSPT
07/11/2019	Email: Email from USACE to Forest Service clarifying USACE participation in consultation between the Forest Service and the Tribes. USACE is a coop agency in the NEPA process with a future federal action; USACE has tribal consultation responsibilities for future permit decision on this project; and USACE authority and expertise related to aquatic resources is of importance to Tribes.	20190711_EmailUSACEClarification
07/15/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff monthly meeting regarding the Stibnite Gold Project. Discussion topics included 404 permitting (Marve Griffith, USACE attended via phone), formal consultation with USACE and Tribes won't occur until the 404 permit application has been received, ESA consultation, Shoshone-Paiute Tribes and Nez Perce Tribe joined the ESA consultation process, inquired if Shoshone-Bannock Tribes would also like to participate in ESA consultation, cultural resource survey, PA is being established that will have stipulations on how to address archaeological survey needs, reports available to share with Tribes, ethnography study, project timeline, CERCLA issues (lead is EPA), and environmental justice to be included with socioeconomics.	20190715_MeetingNotesStafftoStaffSBT

Date	Description	Reference
07/22/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included the Wildlife Habitat Mitigation Plan, ModPRO, mine operation details (waste rock, Burntlog route, operation timeline), ESA consultation, Golden Meadows exploration drilling plan, project schedule, Forest Supervisor leaving, and 404 permit.	20190722_MeetingNotesStafftoStaffNPT
07/24/2019	Letter: Letter from Nez Perce to Forest Service regarding the Tribe's participation in ESA consultation. The Tribe expressed concern regarding Midas Gold's position on tribal participation in the Level One ESA technical meetings.	20190724_NPTtoFSLtrESA
08/19/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff monthly meeting regarding the Stibnite Gold Project. Discussion topics included Nez Perce lawsuit against Midas Gold, new Deputy Forest Supervisor, acting Forest Supervisor, Midas documents available for review, NEPA schedule, and ESA consultations.	20190819_MeetingNotesStafftoStaffSBT
08/26/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included Migratory Bird Treaty Act analysis, wildlife BMPs/mitigation, DEIS comment period (want more time to review), need to schedule formal consultation on the DEIS, NEPA timeline versus other permits, ESA, and request for informal consultation prior to commenting on proposed changes to 228A rulemaking.	20190826_MeetingNotesStafftoStaffNPT
09/12/2019	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP. Topics discussed included acting Forest Supervisor, USACE described 404 permitting process, and project timeline.	20190912_AgendaWingsRootsSPT 20190912_BPWingsRootsSPT
09/16/2019	Letter: Letter from Forest Service to Nez Perce Tribe requesting formal govt to govt consultation regarding SGP. The meeting was requested for an early preview of the available documentation prior to release of the DEIS. The letter also acknowledged the completion of the Tribe's ethnographic study.	20190916_FStoNPTLtrFormalConsultPDEIS
09/16/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff to staff. No one for the Shoshone-Bannock Tribes called in nor showed up in person.	20190916_MeetingNotesStafftoStaffSBT
09/23/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included update on Midas' air permit, Forest Service letter request for formal consultation, Forest Plan amendments analysis contained in DEIS, and court authorized two-week extension for Midas' response to Nez Perce lawsuit.	20190923_MeetingNotesStafftoStaffNPT

Date	Description	Reference
10/17/2019	Letter: Letter from the Shoshone-Bannock Tribes to the Forest Service expressing their request to participate in the permitting and approval process related to the Stibnite Gold Project. Specifically, they requested involvement in the NEPA process, as well as the USACE process related to 404 permitting. They noted that the project streams flow into the South Fork of the Salmon River where they have been working for decades to enhance habitat and water quality to restore fisheries. Because this area has been utilized by the Tribes historically and currently, the results of a Shoshone-Bannock cultural survey (i.e., ethnographic study) should be considered in the EIS process.	20191017_SBTtoFSLtrRequestingParticipation
10/21/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff to staff meeting topics included: Ethnography, formal consultation, the Nez Perce lawsuit, leadership transition, ESA consultation.	20191021_MeetingNotesStafftoStaffSBT
10/22/2019	Letter: Letter from Nez Perce to the Forest Service requesting a minimum 120-day public comment period for the Stibnite Gold Project DEIS.	20191022_NPTECtoFSChiefRquestingDEIS\CommtExtension
10/28/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included an update on the 404(b)1 LEDPA analysis, NEPA timeline for the project, upcoming formal consultation meeting (December 10), suggestion from Tribe that the ROD require FS approval prior to each project phase, information sharing between Forest Service and Midas Gold (no Tribal data), Midas FOIA requests on FOIA requests, air quality permit application to IDEQ, Forest Plan amendments, three NOAs (DEIS, Forest Plan amendments, and roadless area modification), Nez Perce Tribe letter to Forest Service and USDA Secretary requesting extension of DEIS comment period from 45 days to 120 days.	20191028_MeetingNotesStafftoStaffNPT
11/07/2019	Letter: Letter from Forest Service to Shoshone-Bannock Tribes Fort Hall Business Council acknowledging the Tribes' request to participate in the NEPA process to the fullest extent possible related to the Stibnite Gold Project. Letter acknowledges the importance of the area to the Tribes, past consultation, and upcoming formal consultation meeting on December 12.	20191107_FStoSBTLtrResponse
11/14/2019	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP. Topics discussed included: Ethnography, Forest Plan amendments, SGP Status and timelines.	20191114_AgendaWingsRootsSPT 20191114_BPWingsRootsSPT
11/18/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting to discuss the Stibnite Gold Project topics included: forest plan amendments, Midas Gold tribal FOIA, leadership transition, IRA, and upcoming formal consultation.	20191118_MeetingNotesStafftoStaffSBT

Date	Description	Reference
11/20/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included Midas Gold Tribal FOIA request, forest plan amendments, gov to gov meeting agenda, PDEIS timeline.	20191120_MeetingNotesStafftoStaffNPT
12/13/2019	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP. Topics discussed included: DEIS availability, Earthworks FOIA, IRA theme change, SGP status update and timeline.	20191213_AgendaWingsRootsSPT 20191213_BPWingsRootsSPT
12/16/2019	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting to discuss the Stibnite Gold Project topics included: Upcoming gov-to-gov Jan 22, 2020, DEIS release, and Ethnography.	20191216_MeetingNotesStafftoStaffSBT
12/23/2019	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included IRA theme change (upon further consideration no change), schedule for getting PDEIS and then DEIS to Tribe for review, public comment period, Tribe received letter from USACE requesting consultation, public meetings schedule, govt to govt meeting on January 14 and potentially rescheduling, leadership changes at FS, project timeline, and sediment modeling.	20191223_MeetingNotesStafftoStaffNPT
12/23/2019	Letter: From Shoshone-Bannock Tribes RE: Shoshone-Bannock Stibnite Ethnographic Study to Erik Whiteman Forest Archaeologist.	20191223_SBTtoFSLtfRequestingCRMethno
01/09/2020	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP. Topics discussed included: DEIS Version 2, SGP status and timelines.	20200109_BPWingsRootsSPT
01/17/2020	Email: Forest Service email to the Shoshone-Bannock Tribes staff requesting to cancel the January 22, 2020 govt to govt meeting due to leadership change at the Forest Service.	20200117_EmailFStoSBTCancelJanStafftoStaff
01/28/2020	Meeting: Forest Service and Nez Perce Tribe gov to gov purpose to the meeting was to introduce the new Forest Supervisor to the NPTEC.	20200128_MeetingNotesNPTEC
01/30/2020	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP. Executive session	
02/03/2020	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included DEIS delay, status of BA and ESA, status of ethnographic study, cultural resource reports, and status of water management and treatment plan.	20200203_MeetingNotesStafftoStaffSBT

Date	Description	Reference
02/24/2020	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included introductions of new staff, revised project timeline, Burntlog route geophysical CatEx, upcoming USACE meeting with Tribe, upcoming invitation to participate in the Programmatic Agreement process, Midas Gold document delivery schedule, and the ESA process.	20200224_MeetingNotesStafftoStaffNPT
03/16/2020	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting to discuss the Stibnite Gold Project USACE Marve Griffith also called in. The Shoshone-Bannock did not participate. USACE plans on being available for future calls.	20200316_MeetingNotesStafftoStaffSBT
03/30/2020	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: updated project timeline, review of water quality management plan by agencies, Fast 41 process, Burntlog route geophysical investigations (Tribe provided comments to BNF), 404 permitting (no updates), ESA process and meetings schedule, staff transitions at Forest.	20200330_MeetingNotesStafftoStaffNPT
04/02/2020	Letter: From Shoshone-Bannock Tribes to the Forest Service regarding comments on the SGP PDEIS.	20200402_SPTtoFSLtrCommntsPDEIS
04/09/2020	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP, as well as other projects. Topics discussed related to SGP included water quality management plan and incorporation into DEIS, letters soliciting participation in programmatic agreement process to be sent shortly, revised project schedule, and project leadership transition.	20200409_AgendaWingsRootsSPT 20200409_BPWingsRootsSPT
04/20/2020	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting to discuss the Stibnite Gold Project topics included: project schedule. Ethnography, water quality management plan and acting Tribal Chair Tino Batt.	20200420_MeetingNotesStafftoStaffSBT
04/27/2020	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: project schedule and target release date for DEIS, staggered reviews of resource sections, how will sections be provided with Tribe for review (email 4/29 to clarify), chap 2 incorporates water quality mgmt. plan, formal consultation scheduling for August around release of DEIS, USACE update, types of potential compensatory mitigation, Tribe expressed desire to work with USACE and FS on compensatory mitigation plan, and note that compensatory mitigation plan would need to be included in the programmatic agreement for completion of NHPA Section 106 consultation.	20200427_MeetingNotesStafftoStaffNPT

Date	Description	Reference
04/30/2020	Letter: Forest Service to Nez Perce Tribe, Shoshone Bannock, and Shoshone-Paiute Tribe inquiring about interest in participating in the development of the Programmatic Agreement. Response was requested to be received within 30 days.	20200430_FStoNPTELtr106Participation 20200430_FStoSBTLtr106Participation 20200430_FStoSPTLtr106Participation
05/14/2020	Meeting: Wings and Roots meeting with Shoshone-Paiute Tribes regarding the SGP, as well as other projects. Topics discussed related to SGP included Water Quality Management Plan, NHPA Section 106 PA	20200514_AgendaWingsRootsSPT
05/15/2020	Meeting: Forest Service and Nez Perce Tribe between Erik Whiteman (FS) and Pat Baird (NPT). Revised project schedule, Personnel, and leadership change.	20200515_MeetingNotesPBairdNPT
05/18/2020	Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included DEIS sections 2 and 3 available for Tribal review, upcoming letter requesting Tribe does not share internal review copies, USACE mitigation negotiations with Midas (no FS involvement), updated Forest Plan amendment list, upcoming (August) govt to govt meeting on DEIS, and staff changes at Forest.	20200518_MeetingNotesStafftoStaffNPT
05/18/2020	Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included DEIS sections 2 and 3 available for Tribal review, anticipated DEIS publish date, potential govt to govt meeting in August, water quality management plan questions, project timeline after DEIS, staff changes at Forest, status of ethnography, and Forest Service letter to Tribes inviting Tribes to participate in Programmatic Agreement.	20200518_MeetingNotesStafftoStaffSBT
06/15/2020	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included: DEIS, Cultural Resources, CERCLA AOC, SGP Timeline, USACE update to the definition of the 'Waters of the US', MG submission of offsite mitigation memo.	20200615_MeetingNotes1StafftoStaffSBT 20200615_MeetingNotes2StafftoStaffSBT
06/29/2020	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: extension to DEIS comment period (60 days total), Forest Plan amendments, Tribe would like to see list before next govt to govt meeting, DEIS updates, PA coordination, Burntlog geophysical work submitted to BNF, USACE update (no draft application until after DEIS, not enough info for LEDPA, conceptual compensatory mitigation plan is part of DEIS), and upcoming govt to govt meeting in August.	20200629_MeetingNotesStafftoStaffNPT
07/20/2020	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included: AOC, DEIS timeline, upcoming gov-to-gov	20200720_MeetingNotesStafftoStaffSBT

Date	Description	Reference
07/27/2020	Virtual Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included project specific amendments, NOA for the DEIS, DEIS updates, Upcoming Gov to Gov meeting format/materials	20200727_MeetingNotesStafftoStaffNPT
08/05/2020	Letter: Letter from Forest Service to the Nez Perce Tribe providing the DEIS and seeking Tribal comments or concerns.	20200805_FStoNPTLtrDEIS
08/05/2020	Letter: Letter from Forest Service to the Shoshone-Bannock Tribes providing the DEIS and seeking Tribal comments or concerns.	20200805_FStoSBTLtrDEIS
08/05/2020	Letter: Letter from Forest Service to the Shoshone-Paiute Tribes providing the DEIS and seeking Tribal comments or concerns.	20200805_FStoSPTLtrDEIS
08/11/2020	Virtual Meeting: Forest Service and Nez Perce Tribe gov to gov meeting to discuss the Stibnite Gold Project. Topics discussed included: DEIS, specifically sections on cultural resources, environmental justice, and tribal rights and interests; project timeline; and NOA in federal register.	20200811_BPforNPT 20200812_DEISCompiledTribalPacket
08/12/2020	Meeting: Forest Service and Shoshone-Bannock Tribes gov to gov meeting to discuss the Stibnite Gold Project. Topics discussed included: DEIS, specifically sections on cultural resources, environmental justice, and tribal rights and interests; project timeline; and NOA in federal register.	20200812_BPforSBT 20200812_DEISCompiledTribalPacket
08/13/2020	Virtual Meeting: Forest Service and Shoshone-Paiute Tribes gov to gov meeting to discuss the Stibnite Gold Project. Topics discussed included: DEIS, specifically sections on cultural resources, environmental justice, and tribal rights and interests; project timeline; and NOA in federal register.	20200813_AgendaWingsRootsSPT 20200812_DEISCompiledTribalPacket
09/10/2020	Virtual Meeting: Forest Service and Shoshone-Paiute Tribes gov to gov meeting to discuss the Stibnite Gold Project. Topics discussed included: Water resources, fisheries resources, project schedule.	20200910_AgendaWingsRootsSPT 20200910_BPWingsRootsSPT
09/28/2020	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: DEIS comment extension request, CEQ dashboard designation, Level 1 ESA, Update on the 404-permit application and mitigation,	20200928_MeetingNotesStafftoStaffNPT
10/02/2020	Letter: From the Forest Service to the Shoshone-Paiute Tribes, Shoshone-Bannock Tribes, and the Nez Perce Tribe announcing a 15-day extension to the comment period for the DEIS.	20201002_FStoSPTLtrDEISCommExtension 20201002_FStoSBTECLtrDEISCommExtension 20201002_FStoNPTECLtrDEISCommExtension

Date	Description	Reference
10/08/2020	Virtual Meeting: Forest Service and Shoshone-Paiute Tribes gov to gov meeting to discuss the Stibnite Gold Project. Topics discussed included: Strategic Minerals listing, One Federal Decision, comment period extension, MG vs USFS lawsuit.	20201008_AgendaWingsRootsSPT
10/19/2020	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included: The Tribe will be submitting formal comments on the DEIS, Critical Mineral Dashboard, Ethnography, USACE will be doing an updated determination of the “Waters of the US”	20201019_MeetingNotesStafftoStaffSBT
10/27/2020	Letter: From the Nez Perce Tribe to Linda Jackson regarding comments on the DEIS	20201027_NPTECtoFSLtrCommntsDEIS
11/16/2020	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included: Fast 41/CEQ correction from last meeting, public comments, Ethnography, and PA.	20201116_MeetingNotesStafftoStaffSBT
11/23/2020	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: New employee introductions, new timeline-NEPA, FEIS, Level 1, response to comments, 404 application update, Jurisdictional determination of waters of the US, Fast 41	20201123_MeetingNotesStafftoStaffNPT
12/08/2020	Virtual Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: SOPA schedule, ModPro2, Burntlog Geophysical Investigation.	20201208_MeetingNotesStafftoStaffNPT
12/10/2020	Meeting with Shoshone-Paiute Tribes cancelled.	20201210_EmailSPTtoFS
12/21/2020	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included: Tribal office closure, Ethnography study, DEIS comment review, Midas Gold board changes also naming Laurel Sayer President/CEO, concern about funding, AOC update, USACE update, personnel changes with Pattie Soucek retiring and Erik Whiteman taking another job.	20201221_MeetingNotesStafftoStaffSBT
01/07/2021	Letter: Letter: Forest Service to the Nez Perce Tribe, Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes informing them of the Forest’s receiving the ModPro2 documents from Midas Gold.	20210107_FStoSBTLtrModPro2 20210107_FStoSPTLtrModPro2 20210107_FStoNPTECLtrModPro2
01/11/2021	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: ModPro2, FS letter requesting gov to gov.	20210111_SGP_MeetingNotesStafftoStaffNPT

Date	Description	Reference
03/15/2021	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Discussion topics included: FS is evaluating comments and drafting responses, ModPro2 data from Perpetua-Midas' new name, and USACE updates regarding Perpetua's request for a new determination of Water of the US.	20210315_MeetingNotesStafftoStaffSBT
4/12/2021	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: FS updates, USACE update, programmatic agreement.	20210412_MeetingNotesStafftoStaffNPT
05/10/2021	Virtual Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: ModPro2, air quality permit, antimony.	20210510_MeetingNotesStafftoStaffNPT
05/17/2021	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Waited for members of the Shoshone-Bannock Tribes to join call and no one did.	20210517_MeetingNotesStafftoStaffSBT
06/14/2021	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics discussed included: ModPro2 supporting data, Burntlog Route Geophysical Investigation.	20210614_MeetingNotesStafftoStaffNPT
06/16/2021	Meeting: Forest Service and Shoshone-Paiute Tribes gov to gov meeting to discuss the Stibnite Gold Project. Topics discussed included: miscellaneous ranger district project updates and programmatic agreement.	20210616_MeetingNotesG2GSPT
06/21/2021	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Waited for members of the Shoshone-Bannock Tribes to join call and no one did.	20210621_MeetingNotesStafftoStaffSBT
07/12/2021	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics SDEIS, Burntlog Geophysical, Antimony processing, access to sensitive information, Perpetua request for a Jurisdictional Determination review.	20210712_MeetingNotesStafftoStaffNPT
07/19/2021	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Conference line not working correctly.	20210719_MeetingNotesStafftoStaffSBT
07/27/2021	Phone Conversation: Forest Service and Shoshone-Bannock Tribes call regarding tribal ethnography summary, the PA process status, tribal ethnographic resources within the SGP boundary, and completeness of the ethnographic information.	20210721_PhoneCallNotesFSandSBT

Date	Description	Reference
08/16/2021	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Waited for members of the Shoshone-Bannock Tribes to join call and no one did.	20210816_MeetingNotesStafftoStaffSBT
08/23/2021	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics included the tribal analysis area, PA update, adjusted APE for the Section 106 process, request for government to government consultation, SGP timeline, range of alternatives, and USACE update on wetlands and jurisdictional determination of water of the U.S.	20210823_MeetingNotesStafftoStaffNPT
09/13/2021	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics included the tribal analysis area, adjusted APE for the Section 106 process, interest in participating in PA process, SGP timeline, range of alternatives, and Stallion Gold exploration adjacent to SGP on BNF. No USACE update.	20210913_MeetingNotesStafftoStaffNPT
09/20/2021	Meeting: Forest Service, USACE and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Waited for members of the Shoshone-Bannock Tribes to join call and no one did.	20210920_MeetingNotesStafftoStaffSBT
10/05/2021	Letter: Letter: Forest Service to the Nez Perce Tribe, Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes presenting figures of the analysis area for Tribal interests, the areas of potential effects (APEs) for impacts to historic properties and Section 106 compliance, an invitation to participate in development of the programmatic agreement (PA), and request for Tribal involvement in identification and evaluation of historic properties that may possess significance to the Tribes.	20211005_FStoNPTCLtrRequestFormalConsult 20211005_FStoSBTCLtrRequestFormalConsult 20211005_FStoSPTCLtrRequestFormalConsult
10/14/2021	Virtual Meeting: Forest Service, USACE and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics included formal consultation dates, the site-wide water balance report, the SPLNT report, the analysis area of tribal interests, the PA process, and APEs for Section 106. USACE update in regard to jurisdictional determinations reverting back to old rules per court decision.	20211014_MeetingNotesStafftoStaffNPT
10/18/2021	Tele Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Topics included consultation regarding the PA, the site-wide water balance report, the SPLNT report, the water temperature, SDEIS timeline, and the CERCLA/ASAOC activities in relation to ModPRO2.	20211018_MeetingNotesStafftoStaffSBT

Date	Description	Reference
11/08/2021	Virtual Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics included temperature modeling, water volume change for ModPRO2 versus DEIS, request for consolidated ModPRO2 document, application of new NEPA rule (using old regs), surface use determination findings, timeline update, and government to government consultation meeting Dec 14.	20211108_MeetingNotesStafftoStaffNPT
11/15/2021	Virtual Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Topics included water volume, water temperature, analysis area for Tribal interests, APEs for impacts to historic properties per Section 106 compliance, PA participation and development, and project timeline.	20211115_MeetingNotesStafftoStaffSBT
12/06/2021	Virtual Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Topics included tribal resources analysis area, Section 106 physical APE, Section 106 visual, auditory, vibratory (VAV) APE, identification of historic properties that fall under NHPA, and government to government consultation.	20211206_MeetingNotesStafftoStaffSBT
12/13/2021	Virtual Meeting: Forest Service, USACE, and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics included specialist reports and their delivery schedule, water rights, stream design report, off-site processing of antimony and the NEPA process, and USACE update on jurisdictional waters determination.	20211213_MeetingNotesStafftoStaffNPT
12/20/2021	Tele Meeting: Forest Service and Shoshone-Bannock Tribes staff-to-staff meeting regarding the Stibnite Gold Project. Topics included tribal review of APE documents and figures, specialist reports, incomplete and unavailable data table from DEIS, access roads, Clean Water Act permit, ASAOC, and SDEIS.	20211220_MeetingNotesStafftoStaffSBT
01/10/2022	Virtual Meeting: Forest Service and Nez Perce Tribe staff-to-staff meeting to discuss the Stibnite Gold Project. Topics included meeting schedules, specialist reports, project schedule per SOPA, water rights protests, information requests, January 25 government to government meeting, air permit, and timeline for various permits.	20220110_MeetingNotesStafftoStaffNPT
01/20/2022	Tele Meeting: Forest Service and Shoshone-Paiute Tribes gov-to-gov meeting to discuss the Stibnite Gold Project. Topics discussed included: project timeline and current status, area of analysis for tribal interests, Section 106 APEs, and the programmatic agreement.	20220120_MeetingNotesG2GSPT
01/25/2022	Virtual Meeting: Forest Service, USACE, and Nez Perce Tribe gov-to-gov meeting to discuss the Stibnite Gold Project. Topics included Section 106 APEs, analysis area for tribal interests, programmatic agreement, wildlife and migratory corridors, tribal travel in the area, and additional ethnographic information.	20220125_MeetingNotesG2GNPTC