

4.22 ENVIRONMENTAL JUSTICE

4.22.1 Effects Analysis Indicators and Methodology of Analysis

The analysis of effects to environmental justice populations includes one issue and the following indicators:

Issue: The Stibnite Gold Project (SGP) may disproportionately impact minority or low-income populations.

Indicators:

- Number and size of minority populations affected.
- Number and size of low-income populations affected.
- Location of SGP facilities, including roads and transmission lines in relation to minority or low-income residents.
- Differences in access to public lands.
- Change in traditional Tribal practices and/or access to Tribal resources.

Impacts to environmental justice populations were analyzed using information from the U.S. Census Bureau's (Census) 2013-2017 American Community Survey demographic data (the most recent data year available for this environmental impact statement) (Census 2017), Tribally sponsored research on Native American fish consumption (U.S. Environmental Protection Agency 2016), and information and analysis documented in Section 4.17, Cultural Resources, Section 4.21, Social and Economic Conditions, and Section 4.24, Tribal Rights and Interests.

For each identified environmental justice community, the analysis assesses if any SGP-related impacts would result in disproportionately high and adverse human health or environmental effects on minority populations and/or low-income populations.

Effects are discussed in terms of magnitude or intensity, duration, geographic extent, and context. The magnitude or intensity of impact is discussed in terms of the communities impacted. The duration of impacts would be short-term—lasting only through the construction phase (approximately 3 years); or long-term—lasting throughout the life of the SGP (approximately 12 years) and closure and reclamation (approximately 5 years). The geographic extent of an impact depends on the location and proximity to the affected community. Context is discussed relative to the significance of an action in an environmental justice community.

As discussed in Section 4.17, Cultural Resources, the Nez Perce Tribe and the Shoshone-Paiute Tribes have completed ethnographies that address traditional practices, tribal world view,

traditional cultural properties, sacred sites, and traditional resource collection areas in the analysis area. The Shoshone-Bannock Tribes have begun their ethnographic work, but it is not yet complete. Specific spatial data are not currently available from the ethnographies. Data from ethnographies prepared by the tribes with interest in the analysis area (Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes) will be included prior to the Record of Decision.

4.22.2 Direct and Indirect Effects

The following analysis of effects associated with environmental justice is considered in the overall context of communities and populations that might potentially be disproportionately adversely affected by the SGP. As discussed in Section 3.22, Environmental Justice Affected Environment, the following environmental justice communities were identified:

- Nez Perce Census County Subdivision;
- Fort Hall Reservation (reservation of the Shoshone-Bannock Tribes); and
- Duck Valley Reservation (reservation of the Shoshone-Paiute Tribes).

Tribal access and uses of the region (including hunting, fishing, ceremonial and spiritual, medicinal, and intrinsic values) have long-standing and on-going subsistence and cultural importance for Tribal members.

4.22.2.1 Alternative 1

As noted in Section 3.22, Environmental Justice Affected Environment, no environmental justice communities are in the SGP area. There are no environmental justice communities in Valley and Adams counties that meet the definition of an environmental justice community. In addition, none of the proposed mine site, access roads, utilities, or off-site facilities are on reservation lands. Furthermore, 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, these impacts from 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 National Forest System (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 are expected to be limited to changes in access for Tribal members, and subsistence or traditional use of the lands.

As discussed in Section 4.24.2, Tribal Rights and Interests, Direct and Indirect Effects, limited information received from the Nez Perce Tribe and Shoshone-Paiute Tribes' ethnographies indicate that areas, resources, and off-reservation rights of concern and importance include disruption of traditional practices, tribal world view, fishing rights in the South Fork Salmon River watershed, including the East Fork South Fork Salmon River (EFSFSR), Meadow Creek, Fiddle Creek, West End Creek, and Sugar Creek. Tribally significant travel corridors and waterways

are known: Old Thunder Mountain Road (National Forest System Road 440); the EFSFSR system, which includes several streams; and the Riordan Lake shore. Traditional 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. Specific species of plants and animals identified in the ethnographies are listed in Section 3.22. Other landscape features of importance include Riordan Lake and high points in the landscape (e.g., mountain tops and ridgelines) that have religious significance, and traditional plant gathering locations or collection areas.

As discussed in Section 4.12.2.3, Fish Resources and Fish Habitat, Direct and Indirect Effects, Alternative 1, entrainment by in-stream activities or manmade 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. 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 Section 4.9, Surface Water and Groundwater Quality. And, Section 4.19.2.1, Recreation, Direct and Indirect Effects, Alternative 1 discusses effects on public, including Tribal member, access to the SGP area for recreational opportunities, including fishing.

4.22.2.1.1 CONSTRUCTION

Construction 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 2.3-1**). Approximately 13,446 acres of public lands within the Operations Area Boundary, as shown on **Figure 2.3-1**, would become inaccessible to the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes once construction begins. Impacts would begin during construction and would continue through closure and reclamation. Restricted access does not keep with tribal rights and trust responsibilities, because it does not allow Native Americans to hunt, fish, or gather plants in the areas of restricted public and Tribal member access during construction (3 years in duration), operations (approximately 12 years), and closure and reclamation (5 years) (see Section 4.24, Tribal Rights and Interests for further detail).

Construction of the new Burntlog Route, off-highway vehicle (OHV) connector trail, over-snow vehicle (OSV) routes, and off-site support facilities (i.e., Stibnite Gold Logistics Facility on Warm Lake Road [County Road {CR} 10-579], Landmark Maintenance Facility on Burnt Log Road [National Forest System Road 50447]) could impact access to 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. Furthermore, safety considerations, equipment use, presence of workers, construction-related traffic, and road closures may discourage and restrict

subsistence use by Tribal members in the proximity of construction activity. In general, the construction impacts to subsistence resource availability on Tribal minority and low-income communities could potentially be adverse and would continue through construction, operations, and closure and reclamation.

4.22.2.1.2 OPERATIONS

Under Alternative 1, the SGP would occupy approximately 3,533 acres, with the mine site occupying approximately 1,970 acres of this total, not including exploration areas. Portions of the mine site are patented (private) lands and have been subject to mining activity for more than a century. The mine site and its immediate surroundings are highly disturbed and show evidence of long-term mining operations as the dominant land use. Public lands in the SGP area continue to be used by the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes as traditional use areas or areas used for subsistence resources (Battaglia 2018; Walker 2019). The SGP would encroach into previously undisturbed areas (e.g. the new construction along the Burntlog Route). Public and Tribal member access to the mine site and surrounding areas for traditional uses and subsistence resources is currently allowed. Midas Gold Idaho, Inc. (Midas Gold) has established an Operations Area Boundary identifying the area where public and Tribal member access would be restricted. Public and Tribal member access inside the Operations Area Boundary would be restricted during the mine's approximately 12-year period of operations. Restricted access to traditional use areas on public lands would occur in the 13,446-acre Operations Area Boundary (see **Figure 2.3-1**). Consequently, this previously accessible lands would become inaccessible for a generation, thus potentially disrupting the transfer of place-based traditional knowledge from generation to generation. This could impact Tribal rights and interests by reducing access of Tribal members to traditional use areas and subsistence resources within the operations area boundary. Noise and vibrations would increase during operation of the mine and related activities and would be constant during working or daylight hours. This could cause changes in natural conditions and distractions for Tribal member use of these areas. If sacred sites are located within the affected area, Native American religious practices and use at those sites could be adversely impacted by noise and vibration impacts from the mine operations.

However, the Operations Area Boundary represents a small portion of the total area within the Payette National Forest and Boise National Forest (2.3 million and 2.6 million acres, respectively) available to the Tribes to conduct their traditional use and access subsistence resources. All other existing areas outside of the Operations Area Boundary would remain fully accessible for hunting, fishing, gathering, and other traditional land uses. Nonetheless, there could potentially be adverse and long-term impacts on Tribal minority and low-income communities for the duration of the operations (approximately 12 years) and beyond.

The proposed Burntlog Route, a new OHV connector, and new OSV groomed trails would provide new and/or improved access to the SGP area and vicinity, which could have a positive impact on Tribal minority and low-income communities by providing for motorized access to cultural sites and subsistence resources in the SGP area.

Alternative 1 also may facilitate increased public and Tribal member access and use of NFS lands, particularly for recreational users, as a result of SGP-related road improvements. However, these access and use increases also could result in potential indirect adverse impacts to Tribal members due to increased human activity that results in actual or perceived decreases in Tribal member access to, availability, and/or quality of subsistence resources and/or traditional use areas' conditions.

4.22.2.1.3 CLOSURE AND RECLAMATION

Impacts during closure and reclamation would be similar to those described for construction, with similar effects on access to traditional use areas and subsistence resources. After reclamation, the mine site would have a less natural looking setting compared to the existing setting, as topography would be permanently altered and more man-made development would be present (e.g., a tailings storage facility [TSF] in Meadow Creek valley). The mine site would take a long time to fully revegetate. Wildlife may not re-populate the mine site after reclamation for a long period of time, and there would be a reduction in wildlife-related opportunities during that time. Fish species composition and/or relative populations within the creeks in the mine site area may change after reclamation, as anticipated habitat may favor steelhead over Chinook salmon, and there would be a decrease in habitat for bull trout, westslope cutthroat trout, and Chinook salmon. Therefore, fishing opportunities and the types of fish available may be altered after reclamation. This in turn could have an adverse effect on tribal members.

After closure and reclamation, the Stibnite Road portion of McCall - Stibnite Road (CR 50-412) that was closed at the boundary of the mine site, would be reopened and public and Tribal member access through the mine site would be permitted. The newly constructed portions of Burntlog Route would be decommissioned and reclaimed, and the currently existing and upgraded portions would be returned to their prior use. SGP-related beneficial impacts provided by the Burntlog Route, the OHV connector, and the OSV groomed trails would no longer exist after reclamation, resulting in some areas made accessible by the SGP, becoming more difficult to access after decommissioning. Therefore, the positive impact on Tribal minority and low-income communities provided by access to previously more difficult to access cultural sites and subsistence resources in the SGP area would no longer occur. Therefore, after closure and reclamation, there could potentially be adverse effects on Tribal minority and low-income communities in areas no longer accessible. However, there would be beneficial impacts of improved SGP area access in areas that were closed during construction and operation.

4.22.2.1.4 ENVIRONMENTAL JUSTICE DETERMINATION

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. Most other users and stakeholders have more limited or singular interests (e.g., wilderness recreationalist or OHV users). However, 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. Unlike displaced recreational use, there are no

substitute resources or replacement opportunities for most of the Tribal interests and use of the local area.

As a result, Tribal members are more likely to be impacted by local area resource changes. Due to the long-standing cultural significance and importance of these resources for the Tribes, many of the resource impacts would likely be perceived by Tribal members to have a greater and more long-term adverse impact than that for non-tribal users. Due to the wider range of their affected interests and use, Tribal members would likely be more broadly impacted. For these reasons, Tribal members have a greater potential to be disproportionately impacted than the general population. 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 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. Section 5.1.2, Tribal Consultation and Government-to-Government Consultation, describes the efforts the Forest Service has made to involve local Tribal governments and to solicit their input regarding the SGP. Consultation is ongoing, and the Forest Service will continue to engage with the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes to develop ways to avoid, minimize, and mitigate effects to tribal rights that would be impacted by the SGP.

4.22.2.2 Alternative 2

Under Alternative 2, the potential for adverse and disproportionate SGP-related impacts to the Tribal environmental justice communities are expected to be limited to changes in Tribal members' access and subsistence or traditional use of the lands.

Actions during construction and operations phases under Alternative 2 in the mine site are similar to those under Alternative 1, and those actions would similarly impact Tribal environmental justice communities. However, there are differences under Alternative 2 during the construction and operations phases that would impact Tribal environmental justice communities related to re-routing of a segment of the Burntlog Route, and construction of a new road that connects the Stibnite Road portion of McCall - Stibnite Road (CR 50-412) to Thunder Mountain Road (National Forest System Road 50375) to allow public and Tribal member access through the mine site during operations. Under Alternative 2, re-routing the Riordan Creek section of Burntlog Road to avoid two un-named creeks (tributaries to Riordan Creek) would avoid potential impacts to fish in those drainages (see Section 4.12, Fish Resources and Fish Habitat).

4.22.2.2.1 CONSTRUCTION

Under Alternative 2, construction of the SGP would impact access to traditional use areas and subsistence resources. The types of impacts associated with the SGP footprint and Operations Area Boundary, as shown on **Figure 2.4-1**, would be the same as those described under Alternative 1. Approximately 13,446 acres of public lands within the Operations Area Boundary

would be inaccessible to the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes once construction begins.

Other impacts related to construction of the new Burntlog Route, OHV connector trail, OSV routes, and off-site support facilities, as well as construction of the new public access road that connects Stibnite Road (CR 50-412) to Thunder Mountain Road (CR 50375) under Alternative 2, would be the same as those described for Alternative 1. Therefore, similar to Alternative 1, the construction impacts to subsistence resource availability and access to traditional use areas on Tribal minority and low-income communities would potentially be adverse but short-term, lasting only through the construction phase (approximately 3 years) under Alternative 2.

4.22.2.2.2 OPERATIONS

. Impacts would be similar as those described under Alternative 1; however, under Alternative 2, the SGP would occupy approximately 3,423 acres, with the mine site occupying approximately 1,879 acres. The Operations Area Boundary would include 13,446 acres of public lands. Impacts on Tribal rights and interests resulting from reducing Tribal members access to traditional use areas and subsistence resources would be similar to those described for Alternative 1.

Positive impacts associated with new and/or improved access to the SGP mine site via incidental use of Burntlog Route, a new OHV connector, and new OSV groomed trails would be the same as Alternative 1, except for the realigned 5.3-mile segment of Burntlog Route. In addition, public and Tribal member access also would be allowed through the mine site under Alternative 2 via a road that would connect Stibnite Road (CR 50-412) to Thunder Mountain Road (CR 50375). The public access road would be within the Operations Area Boundary, and there would be no use allowed off of the road within this boundary. The road would only be available for public and Tribal member access through the mine site to access Thunder Mountain Road (CR 50375). Therefore, the new road would return access to areas that were closed temporarily during construction, and allow faster, more direct access to areas east and south of the mine site.

Under Alternative 2, the re-routed section of Burntlog Route near Riordan Creek could induce increased recreational use in the Black Lake area compared with all other alternatives, because the roadway would be closer to this lake. The rerouted segment also would be closer to the Frank Church-River of No Return Wilderness and may result in increased use of the wilderness area by recreational users, and potentially result in unauthorized motorized use due to the proximity of the roadway to the wilderness boundary. This potential public and Tribal member access and use increase in the Black Lake area and Frank Church-River of No Return Wilderness could result in potential indirect adverse impacts to Tribal members due to increased human activity if it results in actual or perceived decreases in their access to, availability, and/or quality of subsistence resources and/or traditional use areas' conditions.

4.22.2.2.3 CLOSURE AND RECLAMATION

Impacts due to closure and reclamation activities associated with the mine site would be the same as those described under Alternative 1. Therefore, there could be adverse effects on Tribal minority and low-income communities, and SGP-related beneficial impacts from the improved access via Burntlog Route, a new OHV connector, and new OSV groomed trails would no longer exist as they would be closed and reclaimed to current conditions.

4.22.2.2.4 ENVIRONMENTAL JUSTICE DETERMINATION

For the same reasons described for Alternative 1, Tribal members are more susceptible and likely to be impacted by local area resource changes and many of the resource impacts would likely be perceived by Tribal members to have a greater and more long-term adverse impact than for non-tribal users. In addition, due to the wider range of their affected interests and use, Tribal members would likely be more generally impacted. As a result, Tribal members have a greater potential to be disproportionately impacted than the general population. 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 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.

Section 5.1.2, Tribal Consultation and Government-to-Government Consultation, describes the efforts the Forest Service has made to involve local Tribal governments and to solicit their input regarding the SGP. Consultation is ongoing, and the Forest Service will continue to engage with the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes to develop ways to avoid, minimize, and mitigate effects to tribal rights that would be impacted by the SGP.

4.22.2.3 Alternative 3

Under Alternative 3, the potential for any adverse and disproportionate 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. Modifications under Alternative 3, that would impact Tribal environmental justice communities include a larger overall SGP footprint and Operations Area Boundary, no construction of the OHV trail, and re-routing of a segment of Burntlog Route through Blowout Creek Valley. The EFSFSR system would be much more heavily impacted under Alternative 3 compared with all other alternatives,, resulting in impacts to fish, which are considered a traditional resource and currently an important tribal resource. Impacts to fish under Alternative 3 are discussed in detail in Section 4.12, Fish Resources and Fish Habitat.

4.22.2.3.1 CONSTRUCTION

Construction of the SGP would impact access to traditional use areas and subsistence resources. Approximately 17,034 acres of public lands within the Operations Area Boundary, as

shown on **Figure 2.5-1**, would become inaccessible to the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes once construction begins.

The types of impacts associated with construction would be the same as those described under Alternative 1. Impacts related to construction of the Burntlog Route, including the re-routed segment through the Blowout Creek Valley, OSV routes, and off-site support facilities, would be similar to Alternative 1. Therefore, similar to Alternative 1, the construction impacts to subsistence resource availability and access to traditional use areas on Tribal minority and low-income communities would likely be adverse, but short-term, lasting only through the construction phase (approximately 3 years) under Alternative 3.

4.22.2.3.2 OPERATIONS

Impacts would be similar to those described under Alternative 1. Under Alternative 3, the SGP would occupy approximately 3,610 acres, with the mine site occupying approximately 2,071 acres. The Operations Area Boundary under Alternative 3 would include approximately 17,034 acres of public lands, which is greater than all other alternatives. Impacts on Tribal rights and interests resulting from reducing Tribal member access to traditional use areas and subsistence resources would occur within this larger area.

Potentially beneficial impacts associated with new and/or improved access to the area via Burntlog Route and new OSV groomed trails would be the same as those described under Alternative 1. However, the OHV Connector Trail would not be built under Alternative 3 and, therefore, would not contribute to potential new motorized access to cultural sites and subsistence resources in that corridor.

The SGP could increase public and Tribal member access to NFS lands and the impacts would be similar to those described under Alternative 1. However, the OHV Connector Trail would not be built under Alternative 3, and therefore would not contribute to an increase in use in that area.

4.22.2.3.3 CLOSURE AND RECLAMATION

The types of impacts associated with closure and reclamation activities at the mine site would be similar to those described under Alternative 1. Therefore, there may be adverse effects on Tribal minority and low-income communities. In addition, the SGP-related beneficial impacts of improved access to the general area via Burntlog Route and new OSV groomed trails would no longer exist as they would be closed and reclaimed.

Following closure, the public and Tribal member access under this alternative would be provided around the East Fork South Fork Salmon River TSF location; either by retaining the mine access road from Stibnite Road (CR 50-412) through the mine site and up Blowout Creek for public and Tribal member access, or by converting the operational TSF access road along the TSF pipeline into a permanent public road connecting Stibnite Road (CR 50-412) through the mine site and past the TSF to the existing road on the east. Therefore, new and/or improved access to the SGP area and vicinity would occur and would have a beneficial impact on Tribal

minority and low-income communities by providing for motorized access to cultural sites and subsistence resources.

4.22.2.3.4 ENVIRONMENTAL JUSTICE DETERMINATION

For the same reasons described for Alternative 1, Tribal members are more susceptible and likely to be impacted by local area resource changes and many of the resource impacts may be perceived by Tribal members to have a greater and more long-term adverse impact than that for non-tribal users. In addition, due to the wider range of their affected interests and use, Tribal members would likely be more broadly impacted. As a result, Tribal members have a greater potential to be disproportionately impacted than the general population. 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 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.

Section 5.1.2, Tribal Consultation and Government-to-Government Consultation, describes the efforts the Forest Service has made to involve local Tribal governments and to solicit their input regarding the SGP. Consultation is ongoing, and the Forest Service will continue to engage with the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes to develop ways to avoid, minimize, and mitigate effects to tribal rights that would be impacted by the SGP.

4.22.2.4 Alternative 4

Similar to Alternative 1, 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.

Under Alternative 4, modifications with the potential to impact Tribal environmental justice communities include a smaller overall footprint because the Yellow Pine Route would be the only access route to the mine for all phases. The Burntlog Route would not be constructed or used under Alternative 4. Public and Tribal member access through the mine during operations would be similar to Alternative 2. These changes would result in different impacts than Alternative 1, particularly the use of the Yellow Pine Route during mine construction, operations, closure and reclamation.

4.22.2.4.1 CONSTRUCTION

Under Alternative 4, construction of the SGP would impact access to traditional use areas and subsistence resources. The types of impacts associated with the overall footprint and operations area boundary would be the same as those described under Alternative 1;. However, the construction phase under Alternative 4 would be up to 5 years. Approximately 13,446 acres of public lands within the Operations Area Boundary, as shown on **Figure 2.6-1**, would be

inaccessible to the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes once construction begins.

Burntlog Route and the OHV connector trail would not be constructed under Alternative 4; therefore, there would be no construction impacts from these routes. Access impacts related to upgrading Yellow Pine Route and construction of the new OSV routes and off-site support facilities would be similar to Alternative 1, except for the location of the maintenance facility.

Upgrades to Yellow Pine Route and its use as the access route to the mine site during construction would result in greater impacts to Tribal environmental justice communities along this route due to increased noise, traffic, and safety-related issues from mine-related construction traffic. Traffic on Johnson Creek (CR 10-413), Warm Lake (CR 10-579), and McCall – Stibnite (CR 50-412) roads would substantially increase, thereby increasing the noise and activity near these roads.

Therefore, Tribal members may avoid these areas because of noise associated with activities and traffic along Warm Lake, McCall - Stibnite, and Johnson Creek roads. These impacts would begin during construction and would continue through operations and closure and reclamation, because Johnson Creek, McCall - Stibnite, and Warm Lake roads would be used during mine operations as well; therefore, traffic and traffic noise would continue through operation, and closure and reclamation. Therefore, impacts to subsistence resource availability and access to traditional use areas under Alternative 4 on Tribal minority and low-income communities would likely be adverse from the beginning of construction and through closure and reclamation.

4.22.2.4.2 OPERATIONS

Types of impacts would be similar to those described under Alternative 1. Under Alternative 4, the SGP would occupy approximately 3,219 acres, with the mine site occupying approximately 1,989 acres. The Operations Area Boundary under Alternative 4 would include approximately 13,446 acres of public lands.

Burntlog Route and the OHV connector trail would not be constructed under Alternative 4; therefore, there would be no beneficial impact on Tribal minority and low-income communities from new and/or improved access to within the SGP area and vicinity, as described for Alternative 1.

Under Alternative 4, access to the mine site would be via the Yellow Pine Route, which would be upgraded and improved along its route. Public and Tribal member access through the mine site would be via a new shared (public and mine site) access road to link Stibnite Road (CR 50-412) with Thunder Mountain Road (CR 50375), which is similar to one of the options under Alternative 2 that goes around the Yellow Pine Pit. Therefore, the impacts would be similar to those described above for Alternative 2.

During operations, Yellow Pine Route would be used as the main access route into the mine site. Impacts associated with the continued use of these roads would be the same as those described for construction.

4.22.2.4.3 CLOSURE AND RECLAMATION

Impacts associated with closure and reclamation at the mine site would be similar to those described under Alternative 1; however, there would not be a Burntlog Route to reclaim under Alternative 4. For the same reasons described under Alternative 1, wildlife and fish populations may be altered after reclamation. After closure and reclamation, there could be adverse effects on Tribal minority and low-income communities associated with post-mining land uses at the mine site.

Under Alternative 4, the Yellow Pine Route (specifically Stibnite Road [CR 50-412]) would not be returned to its pre-SGP width, and traffic on the road would be greatly reduced as operations cease. This could encourage the return of traditional use sites and areas used for subsistence resources east of the mine site off Thunder Mountain Road (CR 50375) that were displaced during mining operations due to road closures and increased road traffic. Therefore, Alternative 4 closure and reclamation could have a positive impact on Tribal minority and low-income communities by returning pre-SGP access to traditional use sites and areas used for subsistence resources east of the mine site after closure and reclamation.

4.22.2.4.4 ENVIRONMENTAL JUSTICE DETERMINATION

For the same reasons described for Alternative 1, Tribal members are more susceptible and likely to be impacted by local area resource changes, and many of the resource impacts would likely be perceived by Tribal members to have a greater and more long-term adverse impact than that for non-tribal users. In addition, due to the wider range of their affected interests and use, Tribal members would likely be more broadly impacted. As a result, Tribal members have a potential to be disproportionately impacted than the general population. 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 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.

Section 5.1.2, Tribal Consultation and Government-to-Government Consultation, describes the efforts the Forest Service has made to involve local Tribal governments and to solicit their input regarding the SGP. Consultation is ongoing, and the Forest Service will continue to engage with the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes to develop ways to avoid, minimize, and mitigate effects to tribal rights that would be impacted by the SGP.

4.22.2.5 Alternative 5

Under Alternative 5, no action would be implemented, and there would be no mining operations associated with the SGP. There would be no new or upgraded access roads; no changes in location or upgrades to the existing transmission lines or substations; and no construction of the Stibnite Gold Logistics Facility and Landmark Maintenance Facility. Conversely, there would be no negative impact to the cultural values of the area, no negative impacts to the fisheries

population, and the Tribal members would maintain access to the area as they currently hold. Alternative 5 would not result in adverse impacts to environmental justice communities or Tribal members.

The Midas Gold Golden Meadows Exploration Project was issued a Decision Notice and Finding of No Significant Impact in January 2016 and would be expected to continue under Alternative 5. The proposed Golden Meadows Project would continue in and near the vicinity of the SGP area and would include exploration activities.

Except for areas affected by the Golden Meadows Exploration Project, future access to subsistence resources and uses in the existing area would remain unchanged. As a result, no adverse and disproportionate impacts to minority or low-income populations are expected to occur under Alternative 5.

4.22.3 Mitigation Measures

Mitigation measures required by the Forest Service and measures committed to by Midas Gold as part of design features of the SGP are described in **Appendix D**, Mitigation Measures and Environmental Commitments; see **Table D-1**, Preliminary Mitigation Measures Required by the Forest Service, and **Table D-2**, Mitigation Measures Proposed by Midas Gold as Project Design Features, respectively. The preceding impact analysis has taken these mitigation measures into consideration, as well as measures routinely required through federal, state, or local laws, regulations or permitting, such that the identified potential impacts of the SGP are those that remain after their consideration.

Mitigation measures may be added, revised, or refined based on public comment, agency comment, or continued discussions with Midas Gold and will be finalized in the Final EIS.

4.22.4 Cumulative Effects

Past, present, and reasonably foreseeable future actions (RFFA) include activities, developments, or events that have the potential to change the physical, social, economic, and/or biological nature of a specified area. This includes approved activities, such as continued mining and reclamation work on private or federal land. Existing and known future activities, and other RFFAs provide the basis for defining and analyzing cumulative impacts. A cumulative effect must overlap in space and time with the direct and indirect effects of the action. For environmental justice, the cumulative effects analysis consists of the environmental justice communities and populations that might be affected (either directly or indirectly) by the action alternatives and RFFAs. This includes the Native American Tribes whose traditional subsistence range includes the SGP area including the mine site (i.e., the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes).

Descriptions of existing and RFFAs considered as part of the cumulative effects analysis for all resources are included in Section 4.1.5, Cumulative Effects. Past, Present, and RFFAs that have impacted subsistence resources and traditional use areas include mining projects and

their related activities and non-mining related projects, such as timber harvest; recreation; transportation; and urban development in Valley County.

4.22.4.1 Action Alternatives

Cumulative impacts resulting from constructing the SGP and other simultaneous construction projects and RFFAs could alter access to Tribal traditional use areas and subsistence resources; cause habitat loss, behavioral disturbance to resources from increased noise and human activity, concerns about contamination of resources, and avoidance by Tribal members of traditional use areas; and discourage and restrict subsistence use by Tribal members in proximity to construction activity sites. In general, the SGP construction when combined with other RFFAs and their potential construction impacts to subsistence resource availability on Tribal minority and low-income communities would potentially be cumulatively adverse, but impacts would likely be short-term, lasting only through the duration of the construction phase.

Additional mining development in the cumulative effects area, including mining near Big Creek and at Yellow Pine, could cumulatively impact Tribal rights and interests by reducing Tribal member access to traditional use areas and subsistence resources. The presence and usage of Native American sacred sites within the cumulative effects area have been identified. However, specific locations have not been disclosed for the public domain. If sacred sites are located within the affected area, Native American religious practice and use at those sites could be adversely impacted from the mine operations, such as from noise and vibration. Therefore, there could potentially be cumulatively adverse and long-term impacts on Tribal minority and low-income communities for the duration of the SGP operations.

The SGP action alternatives and RFFAs may facilitate increased public and Tribal member access, particularly for recreational users. The South Fork Restoration and Access Management Plan and East Fork Salmon River Restoration and Access Management Plan include numerous actions relating to motorized and non-motorized access and improvements of recreation facilities within the South Fork Salmon River watershed. Other RFFAs, such as development in the Big Creek area, may result in displacement of recreation to other areas, possibly increasing recreation and permitted use within the analysis area, which may already see an increase in recreation use from the action alternatives. This increased access and use could result in potential indirect adverse cumulative impacts to Tribal members due to increased human activity if it results in actual or perceived decreases in their access to, availability, and/or quality of subsistence resources and/or traditional use areas' conditions.

Overall, Tribal members are more susceptible and likely to be impacted by local area resource changes and many of the resource impacts would likely be perceived by Tribal members to have a greater and more long-term adverse impact than that for non-tribal users. The Tribes have multiple and inter-related interests and associations with the local area resources (e.g., religious, traditional, and subsistence uses), and 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. Due to the wider range of their affected interests and use, Tribal members would likely be more broadly impacted. As a result, Tribal members

have a greater potential to be disproportionately affected than the general population, and the cumulative impacts of the action alternatives in combination with on-going actions and RFFAs could potentially be adverse.

4.22.4.2 Alternative 5

Cumulative impacts under Alternative 5 would be experienced through the continuing conditions in the SGP area if none of the action alternatives were implemented. Cumulative effects associated with Alternative 5 include past and present actions, as well as RFFAs. These include ongoing and planned mining activities, exploratory drilling, reclamation and closure of mining and processing facilities, recreation and tourism, timber harvest on public lands, and transportation projects. These projects could affect Tribal minority and low-income communities by changing access to, availability, and/or quality of subsistence resources and/or traditional use areas' conditions, but this project would not add any additional impacts or restricted access. As a result, no cumulative adverse and disproportionate impacts to minority or low-income populations are expected to occur under Alternative 5.

4.22.5 Irreversible and Irretrievable Commitments of Public Resources

4.22.5.1 Action Alternatives

A commitment of resources is irreversible when the impacts of the proposed action or alternatives would limit the future options for use of the resource. This applies primarily to non-renewable resources or to processes or resources that are renewable over long periods of time. As discussed previously, the Nez Perce Tribe and Shoshone-Paiute Tribes have completed ethnographies that address traditional cultural properties, sacred sites, and traditional resource collection areas in the analysis area. Based on the restricted information provided by the Tribes, it is expected that the action alternatives would cause irreversible impacts (Battaglia 2018; Walker 2019). The Shoshone-Bannock Tribes ethnography is in progress. Destruction of those sites/areas, if any are present, would constitute an irreversible commitment.

A commitment of resources is irretrievable when the impacts of the proposed action or alternatives would result in a loss of production, harvest, or use of renewable resources; it describes the temporal loss of renewable resources. Future land use of the mine site would be altered permanently, because an area that has been historically used for mining would, after the closure of the mine and reclamation of the site, no longer be used for mining. In these areas, original land uses, including Tribal uses, would be reclaimed in the areas where specific land uses for the action alternatives would be reclaimed (e.g., Burntlog Route, access roads, transmission line ROW). However, temporal loss of the land for other uses (including hunting, fishing, gathering, and other traditional uses by Tribal members) and downstream impacts to fish species and their habitats during the previous construction and operations periods would be irretrievable. In addition, prohibiting use of a culturally important area for approximately 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 (see Section 4.17, Cultural Resources, and Section 4.24, Tribal Rights and Interests).

4.22.5.2 Alternative 5

The action alternatives would not be implemented under Alternative 5. Consequently, there would be no irreversible or irretrievable commitment of resources.

4.22.6 Short-term Uses versus Long-term Productivity

4.22.6.1 Action Alternatives

Short-term use of the mine site area and other facility locations in NFS lands would reduce Tribal member access to traditional use areas and subsistence resources; provide new and/or improved access to the SGP area and vicinity; and facilitate increased public and Tribal member access and use of NFS lands, particularly for recreational users, as a result of SGP-related road improvements.

It is expected that the original land uses, including Tribal uses, would be reclaimed in the SGP areas where specific land uses for the action alternatives would be reclaimed (e.g., Burntlog Route, access roads, transmission line ROW). Therefore, there would be no long-term disproportionate effects on Tribal minority and low-income communities.

4.22.6.2 Alternative 5

The action alternatives would not be implemented under Alternative 5. Consequently, there would be no short-term use that would affect minority or low-income populations, and no effect on long-term productivity.

4.22.7 Summary

There are no environmental justice minority or low-income communities in the SGP area. However, the SGP area is within the traditional subsistence range of Tribal minority and low-income populations from 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 SGP area and their long-established cultural connections and attitudes to the local area resources. As a result, many of the SGP-related resource impacts would likely be perceived by Tribal members to have a greater and more long-term adverse impact than that by non-tribal users. For these reasons, Tribal members have a greater potential to be affected than the general population under all four action alternatives.

Table 4.22-1 provides a summary comparison of environmental justice impacts by issue and indicators for each alternative.

Table 4.22-1 Comparison of Environmental Justice Impacts by Alternative

Issue	Indicator	Baseline Conditions	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
<i>The SGP may disproportionately affect minority or low-income populations.</i>	Number and size of minority populations affected.	The Nez Perce Census County Subdivision, Duck Valley Reservation, and Fort Hall Reservation meet the definition of minority populations.	There are no minority communities within the SGP area. There would be no direct effect to reservation lands and their Tribal minority populations that are outside of the SGP area, but there would potentially be indirect effects.	Same as Alternative 1.	Same as Alternative 1.	Same as Alternative 1.	No effect on minority populations.
	Number and size of low-income populations affected.	The Duck Valley Reservation (1,353 residents) meets the definition of a low-income population.	There are no low-income communities within the SGP area. There would be no direct effect to Duck Valley Reservation lands and their Tribal low-income populations that are outside of the SGP area, but there would potentially be indirect effects.	Same as Alternative 1.	Same as Alternative 1.	Same as Alternative 1.	No effects on low-income populations.
	Location of SGP facilities, including roads and transmission lines in relation to minority or low-income residents.	There are no environmental justice communities in the SGP area.	There would be no direct effect of SGP facilities on environmental justice communities. None of the SGP facilities would be on any of the reservation lands; therefore, there would be no direct effect of SGP facilities on Tribal environmental justice communities.	Same as Alternative 1.	Same as Alternative 1.	Same as Alternative 1.	No SGP facilities would be constructed.
	Differences in access to public lands.	Public and Tribal member access is available throughout the SGP area except in areas previously used for mining. There are no minority and low-income populations in the SGP area that would be affected by differences in public and Tribal member access. Tribal members use public lands within the Payette National Forest and Boise National Forest to access cultural and subsistence resource areas.	Construction could impact access to traditional use areas and subsistence resources through habitat loss; behavioral disturbance to resources from increased noise and human activity; and concerns about contamination of resources. Burntlog Route and new OSV/OHV groomed trails would provide new and/or improved access to the SGP area and vicinity, which could have a positive impact by providing motorized access to cultural sites and subsistence resources. Access and use increases could result in potential indirect adverse impacts to Tribal members due to increased human activity.	Same as Alternative 1, except for: Public and Tribal member access also would be provided through the mine site by constructing new road to link Stibnite Road to Thunder Mountain Road. Rerouting the Riordan Creek Segment of Burntlog Route could impact Tribal members by potentially increasing unauthorized motorized use, causing distractions and changing natural conditions of Native American religious practices at sacred sites.	Same as Alternative 1, except for: Closure and reclamation include a permanent roadway around the TSF that would provide the continuation of beneficial impacts of improved SGP area access.	Same as Alternative 1, except for: No new and/or improved access from construction or use of the Burntlog Route. Upgrades to Yellow Pine Route and use of Warm Lake, Johnson Creek, and Stibnite roads as the primary access route to the mine site would result in greater impacts to Tribal environmental justice communities. Stibnite Road would not be returned to its pre-mining width and traffic on Stibnite Road would be greatly reduced.	No effects on access to public lands for minority or low-income populations.

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Issue	Indicator	Baseline Conditions	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
	Change in traditional Tribal practices and/or access to Tribal resources.	Tribal access and use of the region have long-standing and on-going current cultural importance and subsistence value for many Tribal members.	Restricted access to traditional use areas would occur in the 3 13,446 acres of public lands within the Operations Area Boundary.	Same as Alternative 1	Same as Alternative 1, except the public lands within the Operations Area Boundary would include 17,034 acres.	Same as Alternative 1	Except for the Golden Meadows Exploration Project, future access to subsistence resources and for cultural uses in the existing SGP area would remain unchanged.
	Change in traditional Tribal practices and/or access to Tribal resources.	Based on limited information received from the Nez Perce Tribe and Shoshone-Paiute Tribes ethnographies, sacred sites do exist in the analysis area, although exact locations are not public information.	Due to the local area's long-standing cultural significance and importance of these resources for the Tribes, many of the resource impacts would likely be perceived by Tribal members to have a greater and more long-term adverse impact than that for non-tribal users.	Same as Alternative 1.	Same as Alternative 1.	Same as Alternative 1.	There would be no potential impact to sites of cultural significance.