

## 4.24 TRIBAL RIGHTS AND INTERESTS

### 4.24.1 Effects Analysis Indicators and Methodology of Analysis

Public and tribal access were identified as a significant issue during scoping for the Stibnite Gold Project (SGP). Construction and operation of the mine and infrastructure may impact public access to National Forest System (NFS) lands, travel routes, and tribal rights to access, hunt, 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 hunting, fishing, and plant gathering areas, and through changes to the viability and availability of culturally significant fish, wildlife, and plant species.

**Indicators:**

- Presence of traditional cultural properties (TCPs), cultural landscapes (CLs), sacred sites, and tribal resource collection areas that may be physically impacted by ground disturbance.
- Presence of TCPs, CLs, sacred sites, and tribal resource collection areas that may be impacted by an increase in audible elements (noise and vibrations).
- Presence of TCPs, CLs, sacred sites, and tribal resource collection areas that may be impacted by an increase in visual intrusions caused by tall or massive SGP components.
- Changes in access to TCPs, CLs, sacred sites, and tribal resource collection areas due to the restricted access within the Operations Area Boundary.
- Changes to species viability and/or availability for tribal harvest of culturally significant fish, wildlife, and plants.

Effects are discussed in terms of magnitude or intensity, duration, geographic extent, and context. The magnitude or intensity of an impact refers to the severity of the impact (e.g., the level of impact compared to an established quantitative or qualitative measurement). The duration and geographic extent assess the temporal and physical expanse of the impacts, respectively. Context refers to the setting, such as society as a whole (human, national), regional, and/or the local or site-specific.

### 4.24.2 Direct and Indirect Effects

Tribal rights and interests were analyzed using information obtained from documentation including: SGP-specific ethnographies provided by the Nez Perce Tribe and Shoshone-Paiute

Tribes (in consultation with each tribe to determine appropriate information to share), public records, Idaho State Historic Preservation Office records, information from the Payette National Forest and the Boise National Forest Heritage Program Offices through 2018, general literature reviews, and information and analysis documented in reports on other resources prepared for the SGP. Public records reviewed for this analysis include a suit filed in Federal District Court in Idaho by the Nez Perce Tribe against Midas Gold Idaho, Inc. (Midas Gold) under the Clean Water Act, seeking to require Midas Gold to address unpermitted pollutant discharges at the site (Nez Perce v. Midas Gold 2019: Case 1:19-cv-00307-BLW). In addition, the Nez Perce Tribe has made publicly available a whitepaper entitled *Nez Perce Tribe's Interests and Activities in and Around the Stibnite Gold Project Area* (2019). Additional data from ethnographies prepared by the tribes with interest in the analysis area (the Nez Perce Tribe, the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes) will be included prior to the Record of Decision.

Tribes with interests in the area have identified resources of concern within the analysis area; however, specific locations for TCPs, CLs, sacred sites, and resources collection areas are not disclosed. The United States Forest Service (Forest Service) is in ongoing consultation with the tribes to glean what information can be made public. The Forest Service is continuing to work in consultation with the tribes to develop ways to avoid, minimize, and mitigate effects to tribal rights that would be impacted by the SGP.

The following analysis of effects associated with tribal rights and interests is considered in the overall context of local, regional, and national history.

Elements of this context include:

- Native American traditions (site-specific, local, regional, national)
- Native American rights and interests (site-specific, local, regional, national)

#### **4.24.2.1 All Action Alternatives (Alternatives 1 through 4)**

All action alternatives would cause disturbances that would be anticipated to impact tribal rights and interests.

Tribal resources, including culturally important fish, wildlife, and plants, are present in the SGP area. In addition, sacred sites and resource collection areas are present (Battaglia 2018; Walker 2019). There is a potential for TCPs and CLs to be disclosed in the future, although there are currently no TCPs or CLs, as defined per the National Park Service (2020), included in this analysis. The numbers and locations of tribal resources is the subject of on-going government-to-government consultation with tribes and ethnographic reporting for individual tribes and the Forest Service is in consultation to discern the type of information that may be disclosed. However, certain travel and waterway corridors previously known to have tribal significance include the tribal travel corridor now occupied by the Old Thunder Mountain Road (National Forest System Road [FR] 440), the streams and rivers of the East Fork South Fork Salmon River (EFSFSR) system, the Riordan Lake shore, and gathering areas in the upper reaches of the EFSFSR.

All action alternatives have the potential to physically impact tribal resources through ground disturbance, although the alternatives differ in the amounts of acreages and locations of impacts. Alternative 1 would affect approximately 3,533 acres. Alternative 2 would have a slightly smaller footprint of approximately 3,423 acres because the West End Development Rock Storage Facility (DRSF) would not be constructed, and realignment of two new segments of the Burntlog route would shorten the route length under Alternative 2. Activities proposed under Alternative 3 would affect the largest area, approximately 3,610 acres. Under Alternative 3, the Hangar Flats pit and DRSF, and the Meadow Creek TSF would be relocated to the EFSFSR. Alternative 4 would affect the smallest area (3,219 acres), with nearly 400 fewer acres than Alternative 3, which would have the most acreage affected at 3,610 acres. Under Alternative 4 the Yellow Pine Route would be the primary access to the mine site throughout the life of the SGP, and the Burntlog Route would not be constructed. Another reason Alternative 4 would involve less ground disturbance is because helicopters would be used for installation and maintenance of communications towers.

Under Alternative 1 the Old Thunder Mountain Road (FR 440), known to be a traditional travel corridor, and the EFSFSR system would be impacted, as well as an undisclosed number of other tribal resources. Alternative 2 is similar to Alternative 1, however, slightly less of the Old Thunder Mountain Road would be impacted due to re-route of the Burntlog Route. Impacts under Alternative 3 also would be similar to Alternative 1, except the EFSFSR system would be more heavily impacted than under any of the other alternatives creating more potential impacts to undisclosed tribal resources. Physical effects to the Riordan Lake shore are not anticipated and would be the same for all action alternatives. In general, reduced ground disturbance should reduce the potential for direct physical impacts to tribal resources but would not eliminate impacts of the SGP to tribal resources under any of the action alternatives.

New noise and vibration disturbances could impact tribal resources. Currently, noise and vibration disturbance is from approved activities in the SGP area, which are confined to a relatively small area of private and NFS lands and use of existing roads and facilities located primarily on private lands. Under all action alternatives, noise and vibrations would increase from baseline and include blasting, drilling, and ore crushing at the mine site. Other noise increases would occur due to construction activities at off-site facilities and access roads; however, this increase would be temporary during construction. Increased use of roads during construction and operations also would cause an increase in noise levels. The increase in noise and vibrations would likely be perceived by tribal members as a reduction in the integrity of the natural setting and may discourage or detract from tribal use of TCPs, CLs, sacred sites, and resource collection areas (e.g., during religious and spiritual activities).

The SGP would add new visual elements that could impact tribal resources. Under all action alternatives, the locations of TSFs and DRSFs or open pits where screening landscape features are lacking could cause visual disturbances, and the viewsheds of portions of the EFSFSR systems and the Old Thunder Mountain Road would be altered. However, under Alternative 3 there would be increased impacts on the EFSFSR system compared to the other action alternatives because the TSF and DRSF would be placed in the EFSFSR drainage. The Riordan Lake shore would not experience visual impacts from the mine under any alternative,

but would have an altered viewshed by introducing the new Burntlog Route under Alternatives 1, 2, and 3. The increase in visual elements would likely be perceived by tribal members as a reduction in the integrity of the natural setting and may discourage or detract from use of TCPs, CLs, sacred sites, and resource collection areas.

The SGP would affect tribal rights and interests by preventing tribal access to tribal resources. Tribal rights guarantee access to “usual and accustomed” traditional subsistence resources and areas. Tribal access and use of the region has long-standing and on-going current 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. Under all action alternatives, there would be changes in access due to the new restricted access Operations Area Boundary around the mine site. Under Alternatives 1, 2, and 4, the restricted Operations Area Boundary includes 13,446 acres of public land. Under Alternative 3 the Operations Area Boundary would be approximately 17,034 acres of public land.

The access restrictions would be in place during construction, operations, and closure and reclamation, or a period of approximately 20 years. Members of the Nez Perce Tribe, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes that access this area to obtain subsistence resources or for spiritual purposes would no longer be able to do so. Prohibiting use of a culturally important area for 20 years could result in loss of cultural practices and identity to a generation of tribal members. The Forest Service is consulting with the tribes about the locations and numbers of tribal resources that may be affected by restricted access within the Operations Area Boundary, and the impacts caused by restricted access is considered to be the same across all action alternatives.

The SGP also would affect tribal rights and interests through changes to the viability and availability of tribal resources, including fish, wildlife, and plants. The EFSFSR is considered an aquatic stronghold and recovery area for fish species of cultural significance, and the Nez Perce Tribe co-manages fish and is restoring habitat within this area. All action alternatives would result in impacts to fish and fish habitat, although the degree of impacts would vary by alternative. The resulting effect on fish and aquatic habitat in the analysis area would be temporal losses or degradation of habitat and behavioral disturbances, along with some long-term beneficial effects from habitat improvements. The SGP would affect fish and fish habitat, including species of cultural importance, through the combination of physical stream channel changes, changes in stream flow and temperature, direct effects to individuals, and other changes. Loss of habitat and behavioral changes could impact a tribe’s ability to harvest and manage their traditional fish resources in the SGP area.

Under all action alternatives, population-level effects based on mortality to individuals are not expected from direct effects of construction, but, following reclamation, the net effect on fish would be a loss of both quality and quantity of habitat for culturally significant fish species, including Chinook salmon, bull trout, and other fish species. For all alternatives, chemical contamination issues affecting water quality may improve over baseline conditions in some areas but would remain above standards in other locations during and after operations. The water quality improvements predicted from removal of legacy mine materials would partially, but

not completely, offset geochemical impacts associated with the SGP. Therefore, the SGP would affect viability and availability of fish for tribal harvest, which would be considered an adverse impact to tribal rights. For a comparison of how each alternative would impact fish and fish habitat see **Table 4.12-81**, Comparison of Fish Resources and Fish Habitat Impacts by Alternative, included in Section 4.12, Fish Resources and Fish Habitat.

The SGP would affect wildlife under all action alternatives, including special-status species and species of cultural importance, through loss of habitat. The alternatives differ in the amount of acreages that would be affected. Overall, a loss of habitat would be anticipated to impact a tribe's ability to harvest and manage their traditional wildlife resources in the SGP area. See Section 4.13, Wildlife and Wildlife Habitat (including Threatened, Endangered, Proposed, and Sensitive Species) for further details on impacts to specific species and habitats.

The SGP would affect plant species of cultural importance under all action alternatives through varying degrees of impacts to vegetation and special status plants that would be considered to permanently contribute to an adverse cumulative impact on these resources. Loss of habitat may in turn impact a tribe's ability to harvest and manage their traditional plant resources in the SGP area. However, revegetation in these areas would contribute to benefits, including ability of tribes to harvest and manage their traditional plant resources in the SGP area. See Section 4.10, Vegetation, for further details on impacts to specific species and habitats.

Also see Section 4.17, Cultural Resources, and Section 4.22, Environmental Justice, for additional information related to impacts to tribes.

#### **4.24.2.2 Alternative 5**

Alternative 5, the No Action Alternative, would preserve the current ability of tribes to access NFS lands in the analysis area. Ground disturbance, visual and audible impacts, and impacts to culturally significant subsistence resources including fish, wildlife, and plant species would be minimal in comparison with those under Alternatives 1 through 4 (e.g., potential for ongoing mineral exploration activities under the Golden Meadows Exploration Project Plan of Operations [Midas Gold 2016]).

#### **4.24.3 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.

The Forest Service will continue to consult with interested and affected tribes on a government-to-government basis to develop specific avoidance, minimization, and mitigation measures that would resolve potential impacts to tribal rights and trust obligations. This consultation process will allow direct input from the appropriate tribes to address impacts to resources important to them with measures that they believe would be effective. The Forest Service would negotiate a binding agreement between the Forest Service and the affected tribe(s) if the agency identifies impacts to applicable tribal rights. The nature of this agreement would be dependent upon the type of the impact, the type of resource that is affected, and the agreed upon measures to resolve impacts to tribal rights and interests. To fulfill its trust obligations, the Forest Service would develop the agreement to be consistent with the Federal Government's legally enforceable fiduciary obligation to protect tribal rights, lands, assets, and resources (Forest Service 2016).

#### 4.24.4 Cumulative Effects

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, and other RFFAs 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 Payette National Forest and Boise National Forest, and other federal, state, and provide 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 projects, development 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.

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 resources resulting in the loss of an unknown number of tribal resources and practices.

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. **Table 4.24-1** is presented here to summarize impacts from these types of activities for tribal rights and interests.

**Table 4.24-1 RFFA and Potential Cumulative Effects to Tribal Rights and Interests**

<b>Cumulative Project Type</b>	<b>Potential Effects to Tribal Rights and Interests</b>
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 of the mine. During exploratory drilling, development, and operations, the increased ground disturbance may disturb tribal resource collection areas, sacred sites, 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 resource collection areas, sacred sites, 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 Native American tribes. However, mature forest types would not be available for decades. Several Comprehensive Environmental Response, Compensation, and Liability Act Removal Actions were conducted by the Forest Service, U.S. Environmental Protection Agency, and Exxon-Mobil Corporation in the mine site and nearby. 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 resource collection areas, sacred sites, 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 preform or obtain permits to upgrade infrastructure such as electrical transmission lines. These development activities can cause ground disturbance than could impact tribal resources. These activities can introduce visual 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 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 resource collection areas, sacred sites, TCPs, and CLs.
Wildfire and noxious weed control projects	Wildfires and noxious weeds have affected tribal resources collections areas throughout the analysis areas either by burning vegetation or by increasing visibility of precontact 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.
Development projects	Private residential developments are likely to impact tribal interests in the future. Cultural Landscapes could be lost, while additional human presence would potentially affect tribal resource areas.
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.

#### 4.24.4.1 All Action Alternatives

The action alternatives, 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.

#### **4.24.4.2 Alternative 5**

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 Midas Gold or other groups on private land. Cumulative impacts in the analysis area to Tribal resources would be minimal in comparison with those under Alternatives 1 through 4.

### **4.24.5 Irreversible and Irretrievable Commitment of Public 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, 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 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.

#### **4.24.5.1 All Action Alternatives**

##### **4.24.5.1.1 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 action alternatives 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 TCPs, CLs, or sacred sites, that could be destroyed or otherwise altered by any action alternative are often non-renewable, particularly

if they are landscape features. Once gone, the resources cannot be used for any additional purposes by the tribes with rights and interests in the area.

#### **4.24.5.1.2 IRRETRIEVABLE**

Under the action alternatives, 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 action alternatives could result in irretrievable and irreversible commitment of tribal rights and interests if avoidance measures are not implemented and access restrictions are enforced. For example, prohibiting use of a culturally important area 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.

#### **4.24.5.2 Alternative 5**

Under Alternative 5, the No Action Alternative, the SGP would not be undertaken. Consequently, there would be no irreversible and irretrievable commitment of public or tribal resources as it relates to tribal rights and interests.

### **4.24.6 Short-term Uses versus 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 gathering areas, TCPs, CLs, and sacred sites 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 with interests in the area. 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 for a period of 20 or more years.

#### **4.24.6.1 All Action Alternatives**

Under the action alternatives, all short-term direct impacts to tribal resources and interests 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 collection areas following mine closure) of resources. If collection areas, sacred sites, TCPs or CLs are identified, short-term use may be denied while protecting long-term productivity.

#### **4.24.6.2 Alternative 5**

Under Alternative 5, the SGP would not be undertaken. Consequently, there would be no short-term use that would affect tribal rights and interests, and no effect on long-term productivity.

#### **4.24.7 Summary**

All action alternatives would cause disturbances that may harm tribal resources and that would adversely affect tribal rights and interests. Locations of resources important to tribes identified through consultation and in the tribal ethnographic studies are not able to be publicly disclosed at this time 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 (see Section 3.17, Cultural Resources), and descendant tribes continue to use the area of analysis and exercise their rights to take resources from their usual and accustomed areas.

Construction and operation of the mine 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 tribal use of the analysis area, for example during spiritual practices and resource harvesting.

Tribal access to certain areas 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, fish, gather, and pasture in usual and accustomed areas, for a period of 20 years.

The Proposed Action also would impact endangered salmon and other aquatic 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, hunting, and gathering areas. Although the action alternatives differ in the acres of habitat affected for cultural fish, wildlife, and plant species, there would be an impact to the availability and harvestability of tribal resources caused by the SGP. The Forest Service has therefore concluded that the SGP would have adverse impacts to tribal rights under all action alternatives.

**Table 4.24-2** provides a summary comparison of tribal rights and interests by issues and indicators for each alternative. The table discusses tribal concerns in a general sense, because the Forest Service is consulting with the tribes about which types of tribal resources in the SGP area can be publicly disclosed.

**Table 4.24-2 Comparison of Tribal Rights and Interests Impacts by Alternative**

Issue	Indicator	Baseline Conditions	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
The SGP would impact tribal resources, restrict tribal access, and reduce viability and/or availability of culturally significant fish, wildlife, and plants.	Presence of TCPs, CLs, sacred sites, and resource collection areas impacted by an increase in ground disturbance.	Tribal resource collection areas and sacred sites are in the analysis area, including Old Thunder Mountain Road (FR 440), the EFSFSR system, 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.	Direct ground disturbances would increase over baseline and would physically impact Old Thunder Mountain Road (FR 440) and the EFSFSR system, plus an undisclosed number of other tribal resources. Alternative 1 includes 3,533 acres affected. See <b>Table 2.3-1</b> , Land Management and Acreage by Component, Alternative 1	Same as Alternative 1 except: <ul style="list-style-type: none"> <li>Slightly less impact to Old Thunder Mountain Road (FR 440) due to re-route of Burntlog Route.</li> <li>3,423 acres affected</li> </ul> See <b>Table 2.4-2</b> , Land Management and Acreage by Component for Alternative 2.	Same as Alternative 1 except: <ul style="list-style-type: none"> <li>EFSFSR system would be more heavily impacted than under the other alternatives.</li> <li>3,610 acres affected</li> </ul> See <b>Table 2.5-2</b> , Land Management and Acreage by Component for Alternative 3.	Same as Alternative 1 except: <ul style="list-style-type: none"> <li>Tribal resources along Burntlog Route would be avoided as would Old Thunder Mountain Road (FR 440).</li> <li>3,219 acres affected</li> </ul> See <b>Table 2.6-2</b> , Land Management and Acreage by Component for Alternative 4.	No new ground disturbance, but approved activities would continue.
	Presence of TCPs, CLs, sacred sites, and resource collection areas impacted by an increase in audible elements (noise and vibrations).	Tribal resource collection areas and sacred sites are in the analysis area, including Old Thunder Mountain Road (FR 440), the EFSFSR system, 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).	Noise and vibrations would increase from baseline 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. The increase in noise and vibrations would likely be perceived by tribal members as a reduction in the integrity of setting and may discourage or detract from tribal use of traditional areas.	Same as Alternative 1.	Same as Alternative 1.	Same as Alternative 1 except: Upgrades to Yellow Pine Route and use of Warm Lake, Johnson Creek, and Stibnite roads as the primary route to the mine site during construction would result in greater impacts to tribal resources along these roads due to increased noise and traffic.	Same as baseline conditions.
	Presence of TCPs, CLs, sacred sites, and resource collection areas impacted by the visual range of new tall or massive SGP components.	Tribal resource collection areas and sacred sites are in the analysis area, including Old Thunder Mountain Road (FR 440), the EFSFSR system, and the Riordan Lake shore. 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.	Alternative 1 would include increased visual components through new open pits, a TSF, and DRSFs; new access routes; and new transmission line. The viewsheds of portions of the EFSFSR systems, Riordan Lake, and Old Thunder Mountain Road, would be altered. The increase in visual impacts would likely be perceived by tribal members as a reduction in the integrity of setting and may discourage or detract from tribal use of traditional areas.	Same as Alternative 1, except: Under Alternative 2 the Midnight Pit portion of the West End Pit would be backfilled, and the West End DRSF would be eliminated which would reduce the overall amount of visual disturbance.	Same as Alternative 1, except: Alternative 3 would relocate the Hangar Flats DRSF and the TSF to the EFSFSR. This is not a change to the overall visual impacts but would increase impacts on the EFSFSR system compared to the other action alternatives.	Same as Alternative 1, except: Alternative 4 would not include the Burntlog Route, which would reduce visual effects at Riordan Lake.	Same as baseline.
	Changes in tribal access due to the restricted access Operations Area Boundary.	Tribal access and use of the region has long-standing and on-going cultural importance and subsistence value. Currently there is no restricted access on NFS lands in the	The SGP would restrict tribal access in the 3,533-acre SGP footprint and the 13,446 acres of public land within the Operations Area Boundary. Burntlog Route, a new off-	Same as Alternative 1, except for:	Same as Alternative 1, except for:	Same as Alternative 1, except for:	Except for the Golden Meadows Exploration mine site area, future access to subsistence resources and for cultural uses in the existing SGP area would remain

4 ENVIRONMENTAL CONSEQUENCES  
4.24 TRIBAL RIGHTS AND INTERESTS

Issue	Indicator	Baseline Conditions	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
		SGP area. Some restrictions are in place on private lands.	highway vehicle connector, and new over-snow vehicle groomed trails would provide new and/or improved access to the SGP area and vicinity, which could have a positive impact by providing tribes year-round access to previously inaccessible traditional use areas. There would not be a public access road through the mine. Length of time of restricted access is 20 years. This could result in loss of tribal cultural practices important to tribal identity.	<ul style="list-style-type: none"> <li>The SGP footprint would occupy 3,423 acres.</li> <li>Public access would be provided through the mine site.</li> <li>The Riordan Creek Segment of the Burntlog Route could result in increased use of the Black Lake area and No Return Wilderness by recreational users, impacting tribal members if there is an actual or perceived decrease in their access to, availability, and/or quality of tribal resources.</li> </ul>	<ul style="list-style-type: none"> <li>The SGP footprint would occupy 3,610 acres.</li> <li>The public land within the SGP Operations Area Boundary would occupy a larger area of 17,034 acres.</li> <li>Closure and reclamation would include a permanent roadway around the TSF that would provide improved SGP area access.</li> </ul>	<ul style="list-style-type: none"> <li>The SGP footprint would occupy 3,219 acres.</li> <li>Burntlog Route would not be constructed.</li> <li>Public access would be provided through the mine site.</li> <li>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.</li> </ul>	unchanged.
	Changes to species viability and/or availability for tribal harvest of <u>fish</u> .	Tribes fish, hunt, and gather plants in the SGP area. Currently the Yellow Pine Pit passage barrier blocks fish passage, and there are legacy chemical contaminants in downstream waters from historic mining. The South Fork Salmon River 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.	The SGP would affect fish and fish habitat through stream channel changes, loss of habitat and behavioral changes. This could impact a tribe's ability to harvest fish. Population-level effects are not expected from construction, but after reclamation the net effect would be: <ul style="list-style-type: none"> <li>A loss of habitat quality and quality for Chinook salmon, bull trout, and cutthroat trout.</li> <li>A net gain of habitat quality and quantity for steelhead trout.</li> </ul> Water quality improvements from removal of legacy mine materials would partially, but not completely, offset geochemical impacts associated with the SGP. See Section 4.12, Fish Resources and Fish Habitat.	Same as Alternative 1.	Same as Alternative 1, except: Increased magnitude of impacts to Chinook salmon steelhead trout, bull trout, and cutthroat trout at the mine site compared to other alternatives.	Same as Alternative 1, except: A loss of habitat quality and quantity of habitat for steelhead trout.	Same as baseline.
	Changes to species viability and/or availability for tribal harvest of <u>wildlife</u> .	Tribes fish, hunt, and gather plants in the SGP area.	The SGP would affect wildlife, including special-status species and species of cultural importance, through loss of habitat. Loss of habitat may in turn impact a tribe's ability to harvest and manage their traditional wildlife resources in the SGP area. Direct habitat impacts: 3,476.0 acres See Section 4.13, Wildlife and Wildlife Habitat	Same as Alternative 1, except: Direct habitat impacts: 3,368.3 acres	Same as Alternative 1, except: Direct habitat impacts: 3,573.0 acres	Same as Alternative 1, except: Direct habitat impacts: 3,153.2 acres	No additional wildlife habitats would be disturbed.

4 ENVIRONMENTAL CONSEQUENCES  
 4.24 TRIBAL RIGHTS AND INTERESTS

Issue	Indicator	Baseline Conditions	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
	Changes to species viability and/or availability for tribal harvest of <u>plants</u> .	Tribes fish, hunt, and gather plants in the SGP area.	<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. 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: 2,466.2 acres            See Section 4.10, Vegetation.</p>	Same as Alternative 1, except: Acres of vegetation disturbance: 2,312.8 acres	Same as Alternative 1, except: Acres of vegetation disturbance: 3,048.3 acres	Same as Alternative 1, except: Acres of vegetation disturbance: 2,155.2 acres	No additional vegetation would be disturbed.

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