



Influence by Midas Gold may hinder approval of proposed mine



As a local subscriber, I appreciated the Star News providing the supporting documents that informed the recent AP story “Documents: Mining company writes own environmental report.” Two of them stand out: a Forest Service internal review of the Stibnite Gold Project EIS Process (10/5/2018), and a subsequent response letter from Midas Gold Idaho CEO Laurel Sayer to the Under Secretary for Natural Resources and Environment James Hubbard (11/6/2018).

The differing objectives of the project proponent (Midas Gold) and lead decision-making agency (Forest Service) are clear.

Investors have spent millions permitting and marketing the Stibnite Project. They will need to spend nearly one billion more to bring the mine into production. Compared to similar gold mines Stibnite has a heavy price tag; return on investment is a crucial aspect of funding the project. The Forest Service, not beholden to investors, has an obligation to sustain the health, diversity, and productivity of the nation’s forests to meet the needs of current and future generations. It is responsible for the significant and irreversible decision that will be the result of the Stibnite Project NEPA analysis. There indeed exists an uncanny interdependence between these two objectives.

The AP story describes how Midas Gold requested and eventually was granted control to accelerate the Endangered Species Act consultation process. That granting of control is congruent with federal regulation, but the Forest Service internal review observes that the agency “does not routinely” do this and the “Payette’s actions represent a concern for abdicating their roles and responsibilities under the Endangered Species Act rather than trying to thwart timely and efficient consultation.” The review also notes a concern that “this approach could be considered pre-decisional as we try to ‘streamline’ Endangered Species Act consultation.” According to required disclosure forms, Midas Gold spent considerable money lobbying the US Fish and Wildlife Service and NOAA in 2018. These two agencies are responsible for the final decisions under the Endangered Species Act. Midas Gold likely expects to have some influence over the outcome.

In her letter to the Under Secretary, Ms. Sayer spends several pages criticizing the Forest Service’s conclusions about the Endangered Species Act matter as well as its ability to carry out NEPA in a timely manner. “On numerous occasions in the [internal review], our reasonable expectations along the path to completing our permitting process are stated to be ‘unrealistic’ and ‘aggressive’, notwithstanding that the USFS has been offered numerous opportunities to advance efficiently through existing law.” Also notwithstanding is Midas Gold on record telling the Forest Service it promised “key Wall Street investors the NEPA would be complete in two years.” No wonder Ms. Sayer was so concerned about permit timing.

Streamlining for streamlining's sake, or because the investors were told it would be so, might not be the best approach to accelerate NEPA or Endangered Species Act consultations. The National Association of Environmental Practitioners recently describes this in their 2018 annual report: "NEPA is a regulatory process that takes time if done successfully. The process requires gathering information, defining the purpose and need, the proposed action, comparing alternatives, and sharing potential impact information with the public and decision-makers. It is an open and transparent process and a preferred alternative may be refined with stakeholder input."

The accelerating pace of society further places external pressure on NEPA. It feels slow and burdensome to some politicians, industry, and business representatives who, at times, gather enough influence (or executive orders by presidents) to move the needle on what is acceptable environmental policy. The average completion time for all federal agency Environmental Impact Statement's (EIS) between 2010 and 2017 was 4 years and 6 months. Midas Gold's criticism of the Forest Service aside, the completion of the Stibnite Project EIS is on par with this timeframe.

That uncanny interdependence of a successful NEPA and efficiently generating return for investment might not respond well to Midas Gold's push for a singular narrative of the project and an acceleration of the process. At the end of the day if the Forest Service does a shoddy NEPA analysis on the Stibnite Project it will end up in court further delaying the project. The pressure and influence exerted by Midas Gold might not make those "key Wall Street investors" any happier if they have to wait out the painfully slow judicial system.

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