Draft Statement of Work for Stibnite Mine RI/FS
Shoshone-Bannock Tribes' Comments
November 12, 2019, updated November 13, 2019

General Comments and Questions:

1. Many places throughout the Statement of Work (SOW) should refer to "analyses" rather than "analysis."
2. Does the Mining Plan of Restoration and Operations (PRO) cover all of Midas Gold's patented land, other than the DMEA Adit and Waste Rock Dump (#5 on page 2) and the Bonanza Adit (#6)? What are the plans for the parcels of land outside the PRO?
3. The SOW refers to the PRO, which is very lengthy; we would like some time to review the PRO in its entirety. Our initial comments regarding the PRO are as follows: (1) The PRO refers to a Technical Report and a Pre-Feasibility Report that have been conducted, and we're assuming much of the data in these reports will be used for the RI/FS. The data should be of Tier 4 Quality if it will be used for human health risk purposes. (2) The PRO references Canadian Mining Principles, N143-101. We think that U.S. guidance should be used.

Purpose/Description of the Site:

Page 2 - The Site is defined by 8 areas. Areas #5 and #6 (DMEA Adit and Waste Rock Dump and Bonanza Adit) are listed as not within the footprint of the Midas Gold PRO. The distance of these two areas from proposed mining activities should be listed, as well as any overflow expectations, connectivity of features to proposed mining, tailings, and expected or unexpected impacts on the hydrogeology of both surface water and groundwater.

Oversight:

Page 3 – The Shoshone-Bannock Tribes ("SBT" or "Tribes") should be listed as an oversight Agency, along with the EPA, USFS and IDEQ. [Note –The term "Agency" in the rest of these comments is intended to include the SBT.]

SBT should receive copies of all reports, etc., because the Tribes plan to comment on these documents as part of their oversight responsibilities. This seems to be what Midas Gold intended, since Attachment E (schedule) refers throughout to "consolidated Agency comments." We added specific references to SBT/Tribes (which could be changed to "Agencies" assuming SBT is added as an "Agency" and assuming that the other Agencies want to be included) where we thought appropriate, just to be sure. For example, on page 3 the last full paragraph should say "Respondent shall submit all documents or deliverables required as part of this SOW to EPA <u>and the Tribes</u>, for EPA's <u>and the Tribes'</u> review and <u>EPA's</u> approval." The last paragraph should say "Throughout the process of developing the RI/FS, the Respondent shall prepare and submit Quarterly Progress Reports to EPA <u>and the Tribes</u> to aid in project planning."

Guidance:

Page 4 – All Guidance documents followed should be the most up to date drafts.

Roles and Responsibilities:

Page 4 – Please add the underlined language for clarity, since there's a required process for EPA to go through before issuing a ROD: "At the completion of the RI/FS . . . in a Record of Decision (ROD), consistent with the NCP."

Task 1 - Scoping:

Page 4 – "Respondent shall document the specific project scope in the RI/FS Work Plan, which shall be consistent with the AOC." Also, "During the scoping process, the Site- specific objectives of the RI/FS . . . will be proposed by the Respondent but will be determined ~~and approved~~ by EPA."

Page 5 – "When scoping the specific aspects of this project, Respondent shall meet with EPA and the Tribes either in person or telephonically to discuss all project planning decisions and special concerns associated with the Site."

Page 5 – "The Respondent, ~~and~~ EPA and the Tribes shall conduct a Site visit during the project scoping phase."

Page 6 – "The Respondent shall meet with EPA's Remedial Project Manager (RPM) and with the appropriate contact from the Tribes (either in person or telephonically) regarding the following activities and before drafting the scoping deliverables listed below."

Page 7 – Document the Need for Treatability Studies – "Should treatability studies be determined to be necessary, a testing plan . . . should be submitted to EPA and the Tribes for review and for EPA's approval."

Page 7 – Scoping Deliverables – "These plans must be reviewed by EPA and the Tribes and approved by EPA prior to the initiation of field activities."

Page 7 - RI/FS Work Plan – "A Work Plan documenting the decisions and evaluations completed during the scoping process shall be submitted to the RPM and the Tribes for review and for EPA's approval."

Pages 11 through 14 – Potential Target Analytes – The only radiological constituent listed is uranium, and it isn't listed for all media. Since uranium may be a concern, as indicated by it being listed as a COPC for surface water, then uranium and all associated uranium daughters should be listed as COPCs in all media.

Task 2 - Community Relations:

Page 14 – "Respondent may assist by providing information regarding the Site's history, participating in public and community (including tribal community) meetings, and preparing fact sheets for distribution to the general public and relevant tribes, including the Shoshone-Bannock Tribes." All impacted tribes should be included, even though the Shoshoni historically were the main tribes in this area.

Also, SBT would like to have a copy of the administrative record kept at Fort Hall so that it is readily available to tribal members, especially those who exercise their treaty rights in this area. And finally, "Any PRP-conducted community relations activities will be subject to oversight by EPA and the other Agencies."

Task 3 - Site Characterization

Page 15, 2d ¶ – "The Respondent shall notify the RPM and the relevant contacts for the other Agencies at least two weeks in advance of the field work regarding the planned dates for field activities . . . ."

Same edit in last sentence on pages 15-16: "The Respondent shall notify the RPM and the relevant contacts for the other Agencies at least two weeks prior to initiating field support activities so that EPA may adequately schedule oversight tasks. The Respondent shall also notify the RPM and the relevant contacts for the other Agencies upon completion of field support activities."

Page 17 – "All data and programming, including any proprietary programs, shall be made available to EPA and the Tribes together with a sensitivity analysis.

Page 18 – same edit: "All validated data shall be made available to EPA and the Tribes in electronic format. . . . Field and validated analytical data results for all media sampled shall be submitted to EPA and the Tribes by uploading the data . . . ."

Page 18 – Similarly, "The Respondent shall prepare and submit a draft RI report to the RPM for review and approval, and shall provide a copy of the report to the Tribes."

Page 19 – The Tribes would provide comments on the report, but they could do so directly to Midas Gold or through EPA (see first complete sentence at the top of p. 19).

Page 19 – BLRA – The EPA human health risk assessment must include a tribal scenario.

Task 4 – Treatability Studies

Page 20 – first sentence: "Respondent shall identify in a technical memorandum, subject to EPA and the Tribes' review and EPA's approval, candidate technologies for a treatability studies program during project planning (Task 1)."

Page 20 – Evaluation of Treatability Studies – "Once a decision has been made to perform treatability studies, the Respondent and EPA, in consultation with the Tribes, will decide the types of treatability testing to utilize. . . . the Respondent shall either submit to the RPM and the Tribes a treatability testing work plan or an amendment to the original Site work plan for EPA's and the Tribes' review and EPA's approval."

Pages 20-21 – Treatability Testing Work Plan – "The Respondent shall prepare a treatability testing work plan or amendment to the original Site Work Plan for EPA's and the Tribes' review and EPA's approval." Same edit to Treatability Study SAP.

Task 5 – Feasibility Study

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Page 22 – "The modified PRGs shall be documented in a technical memorandum that will be reviewed by EPA and the Tribes and approved by EPA."

Attachment C – Suggested RI Report Format

Vegetation results need to be included here so the Tribes can see what has been evaluated. If they aren't included, this will be a major data gap.