

PRESS RELEASE

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Nez Perce Tribe Files Lawsuit Against Midas Gold For Violations of Federal Clean Water Act at Stibnite Gold Project Site

Lapwai, ID – On August 8, 2019, the Nez Perce Tribe (“Tribe”) filed a lawsuit in the United States District Court for the District of Idaho against Midas Gold Corporation, a Canadian mining company, and its wholly-owned subsidiary corporations (“Midas Gold”). The lawsuit, filed under the federal Clean Water Act (“CWA”), claims Midas Gold is illegally discharging arsenic, cyanide, mercury, and other harmful pollutants at the proposed Stibnite Gold Project (“proposed Project”) site. The proposed Project is located within the Tribe’s aboriginal homeland and is subject to the Tribe’s fishing, hunting, gathering, and pasturing rights, reserved in its 1855 Treaty with the United States.

The Nez Perce people, or Nimiipuu, continue to actively exercise their Treaty-reserved rights across their vast aboriginal homeland and at their traditional places, including areas within and surrounding, and in waters directly downstream of the proposed Project site. Midas Gold proposes to locate its proposed Project in central Idaho in the headwaters of the East Fork South Fork Salmon River, largely on Payette National Forest land, near the towns of Yellow Pine, McCall, and Cascade. This area provides irreplaceable habitat for the Tribe’s Treaty-reserved fish, wildlife, plants and resources, some of which are in danger due to population declines, habitat loss, and habitat degradation.

The Tribe has actively worked to recover these species in the South Fork Salmon River watershed, expending approximately \$2.79 million annually on fisheries supplementation, research and watershed restoration work. This work includes moving Chinook salmon above the “Glory Hole” (also known as the “Yellow Pine Pit”)—a legacy mine pit at Midas Gold’s Project site that blocks salmon from migrating up the East Fork South Fork Salmon River to their spawning grounds. Tribal biologists and watershed specialists, in partnership with the Forest Service and private entities, also supplement the Chinook salmon population in Johnson Creek, operate two salmon hatchery programs, monitor adult returns and juvenile production to determine the status and productivity of ESA-listed Chinook salmon, and implement habitat restoration projects in the South Fork Salmon River watershed.

The CWA prohibits the discharge of pollutants into surface waters such as lakes, rivers, streams and wetlands. Over

the last decade, Midas Gold has obtained operational control over the proposed Project site where it owns and holds patented and unpatented mining claims. In violation of the CWA, Midas Gold has done nothing to prevent ongoing discharges of toxic pollutants from multiple point sources at the Project site to the East Fork South Fork Salmon River and its tributaries, including Meadow Creek and Sugar Creek. Midas Gold's pollution discharges from the Project site have degraded and continue degrading water quality in and downstream of the Project. These discharges harm fish, aquatic life, and the plants and wildlife that rely on these waters and food sources. These discharges also harm Nez Perce Tribal members who actively fish and gather these Treaty-reserved resources throughout their aboriginal homeland as well as their usual and accustomed fishing areas. These resources and their procurement are central to Tribal members' cultural identity and cultural practices.

"The reality is that Midas Gold has worked on and studied the Project site since 2009, but has not taken action to address the existing sources of pollution at the proposed Project site that are entering and harming the East Fork South Fork Salmon River and the fish, wildlife, and people who rely on it," stated Shannon Wheeler, Chairman of the Nez Perce Tribal Executive Committee. "The Tribe has dedicated substantial resources to learning about the Project and the work being done by Midas Gold. The Tribe has determined that these ongoing illegal discharges are harming the Tribe's culturally-significant, Treaty-reserved resources, including its fisheries," continued Wheeler.

Through the lawsuit, the Tribe is requesting a court order prohibiting Midas Gold from continuing to discharge pollutants at the proposed Project site and civil penalties for past violations of the CWA.

The Tribe is represented in this matter by the Nez Perce Tribe Office of Legal Counsel and Advocates for the West.

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