

RESOLUTION

WHEREAS, the Nez Perce Tribal Executive Committee has been empowered to act for and in behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

WHEREAS, the Nez Perce Tribe ("Tribe") is a federally recognized Indian tribe that has built its culture and traditional subsistence ways of life through extensive interaction with the natural world; and

WHEREAS, since time immemorial, the Tribe has occupied and used over 13 million acres of lands now comprising north-central Idaho, southeast Washington, northeast Oregon, and parts of western Montana; and

WHEREAS, the Tribe reserved in its 1855 treaty with the United States "the right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing [its] horses and cattle upon open and unclaimed land." Treaty with the Nez Percés, June 11, 1855, 12 Stat. 957 ("Treaty"); and

WHEREAS, today Tribal members continue to fish, hunt, and gather across their vast aboriginal territory; activities that play a major role in the culture, religion, subsistence, and commerce of the Tribe; and

WHEREAS, gold mining has left a legacy of destruction and contamination and boom and bust economies, the scars of which are still visible throughout the Tribe's aboriginal territory, the American west, and world; and

WHEREAS, gold mining within the Tribe's aboriginal territory has specifically led to the diminishment of the Tribe's Reservation in the Treaty of 1863; the armed clash between the Nez Perce and the U.S. Army; and the diminishment of the Tribe's Treaty-reserved natural resources, including the extirpation of Spring/Summer Chinook salmon in the upper East Fork South Fork Salmon River in the 1940s; and

WHEREAS, Midas Gold, a Canadian company and its subsidiary (collectively "Midas Gold"), proposes the Stibnite Gold Project within the Tribe's aboriginal

territory where Tribal members continue to exercise their Treaty-reserved hunting, fishing, and gathering rights; and

WHEREAS, the proposed mine would be located within the historic Stibnite Mining District, in Stibnite, Idaho, which is 35 air miles east of McCall, Idaho, in the headwaters of the East Fork South Fork Salmon River, which is a tributary to the South Fork and main Salmon rivers, the Snake River, and the Columbia River; and

WHEREAS, the proposed Stibnite Gold Project would be an immense open pit gold, silver, and antimony mine that would disturb over three square miles of ground, approximately two square miles of which is previously undisturbed, in order to extract between 4 to 5 million ounces of gold and 1,600 to 2,300 million ounces of antimony; and

WHEREAS, Midas Gold proposes to excavate 100 million pounds of ore out of three open mining pits and to build: a 413-acre mine tailings storage facility, a 431-acre waste rock storage facility, oxidation and cyanidation ore processing facilities, administrative and housing facilities, 17 miles of new road along the boundary of the Frank Church-River of No Return Wilderness, partially in inventoried roadless areas, and 8 miles of high-voltage powerline; and

WHEREAS, the proposed Stibnite Gold Project mine would dramatically alter the area by destroying upland wildlife habitat; degrading wildlife security by increasing traffic in, and access to, a remote roadless area; altering surface and groundwater regimes, threatening aquatic resources; diminishing significant cultural resources and sacred sites important to the Tribe, through the construction of new roads and power lines; and enabling access and future development in sensitive areas; and

WHEREAS, the air emissions from the proposed Stibnite Gold Project mining operations: (1) will include greenhouse gases, contributing to climate change; (2) could degrade visibility in area viewsheds; and (3) could deposit particle-bound pollutants, including mercury, cyanide, and particulates, in area water bodies, which would negatively impact people and further degrade fish habitat; and

- WHEREAS, the proposed Stibnite Gold Project mine would threaten surface water quality and the fishery in, and downstream of, the mine site through the increased risk of oil and toxic chemical spills, acid rock generation, and metalloid leaching, and the creation of pit lakes; and
- WHEREAS, any jobs created by the proposed Stibnite Gold Project would be only temporary while the impacts of the mine on the area's land and natural resources would be permanent; and
- WHEREAS, Midas Gold has held a legal responsibility to cleanup contamination from historic mine tailings at the proposed Stibnite Gold Project site since 2009, when it first acquired mining claims within its proposed mine site; and
- WHEREAS, despite promising to restore the Stibnite Gold Project site, Midas Gold has done little since 2009 to lessen legacy contamination at the site or the site's ongoing contamination of the East Fork South Fork Salmon River; and
- WHEREAS, the Tribe opened an office in McCall, Idaho in the mid-1990s to focus on restoring the fishery in the East Fork South Fork Salmon River and South Fork Salmon River; and
- WHEREAS, the Tribe now plays a leading role in the restoration of the East Fork South Fork Salmon River and South Fork Salmon River fishery, expending approximately \$2.5 million annually to restore Chinook salmon runs in both rivers, through hatchery supplementation, fishery research, and watershed restoration; and
- WHEREAS, the Tribe's investment in the area has sustainably enhanced the area's natural resources, economy, and quality of life and should not be undermined; and
- WHEREAS, any additional degradation of wildlife habitat in the Stibnite Gold Project area and any additional degradation of the East Fork South Fork Salmon River's and South Fork Salmon River's water quality and fishery is unacceptable to the Tribe as it would further harm the physical, cultural, and spiritual health of the Tribe and its members, and of surrounding communities; and

WHEREAS, the Tribe has experienced many past broken promises with regard to its Treaty-reserved natural and cultural resources, which are its lifeblood; and

WHEREAS, the proposed Stibnite Gold Project poses an affirmative threat to the Tribe's Treaty-reserved resources and to the livelihood, health, and socio-economic well-being of Tribal members, surrounding communities, and future generations; and

NOW, THEREFORE BE IT RESOLVED that the Nez Perce Tribe opposes the proposed Stibnite Gold Project and will strongly oppose any actions that support, sanction, or permit the Stibnite Gold Project.

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribal Executive Committee meeting in Regular Session, October 9, 2018, in the Richard A. Halfmoon Council Chambers, Lapwai, Idaho, a quorum of its Members being present and voting.

By:



Casey L. Mitchell, Secretary

Attest:



Shannon F. Wheeler, Chairman