

PRESS RELEASE



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Federal Judge Rejects Midas Gold's Attempt to Toss Nez Perce Tribe's Clean Water Act Lawsuit

Lapwai, ID – Today, Judge Winmill ruled from the bench in favor of the Nez Perce Tribe (“Tribe”) to deny defendant Midas Gold’s (“Midas Gold”) motion to dismiss the Tribe’s Clean Water Act lawsuit against the company. The Tribe sued Midas Gold for illegally discharging arsenic, cyanide, mercury, and other harmful pollutants at its proposed Stibnite Gold mine site.

The mine site is located within the Tribe’s aboriginal territory and is subject to the Tribe’s fishing, hunting, gathering, and pasturing rights, which the Tribe reserved in its 1855 Treaty with the United States. The Tribe is asking the court to hold Midas Gold, as the owner and operator of the Stibnite mine site, responsible for its illegal pollution discharges into the East Fork South Fork Salmon River and its tributaries. The Clean Water Act prohibits the discharge of pollutants into surface waters such as lakes, rivers, streams, and wetlands without a permit.

“The Tribe is very pleased with the court’s decision today,” stated Shannon F. Wheeler, Chairman of the Nez Perce Tribal Executive Committee. “As the Tribe has repeatedly stated, Midas Gold’s failure to address unlawful pollution discharges at the site is harming the Tribe and the people of Idaho,” continued Wheeler.

Judge Winmill rejected Midas Gold’s argument that Midas Gold Corp., the company’s Canadian-based parent corporation, should be dismissed as a defendant in the case. Judge Winmill also disagreed with Midas Gold’s assertion that the Forest Service is currently a necessary party to the litigation. The court took Midas Gold’s motion to stay the litigation under advisement and is expected to issue a decision shortly.

“Midas Gold Corp.’s leadership has met with the Tribe on numerous occasions to advocate for its only business project---the proposed Stibnite gold mine. I am therefore troubled that Midas Gold Corp. tried to evade ownership responsibility in court,” stated Chairman Wheeler. He continued, “The Tribe remains committed to serving as the voice of these resources and to ensuring a full cleanup happens without further delay.”

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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