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Attorneys for Nez Perce Tribe and Idaho Conservation League

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF IDAHO**

IN THE MATTER OF AIR QUALITY)
PERMIT TO CONSTRUCT P-2019.0047)

Agency Case No. 0101-2201

OAH Case No. 23-245-01

NEZ PERCE TRIBE, IDAHO)
CONSERVATION LEAGUE, and SAVE)
THE SOUTH FORK SALMON,)

**DECLARATION OF ASA
MENLOVE**

Petitioners,

v.

IDAHO DEPARTMENT OF)
ENVIRONMENTAL QUALITY,)

Respondent,

and

PERPETUA RESOURCES IDAHO,)
INC.)

Intervenor.

I, ASA MENLOVE, state and declare as follows:

1. My name is Asa Menlove. I live in Stanley, Idaho and am over 18 years of age. The following statements are based on my personal knowledge, and if called as a witness, I would and could testify thereto.

2. I have been an Idaho Conservation League (ICL) member and supporter since about 2019. I worked to found ICL's Youth Salmon Protectors, which is a coalition of young people in the Pacific Northwest dedicated to saving wild Snake River salmon and steelhead. In this role, I have organized rallies, led comment writing workshops, and helped inform thousands on the issues facing these wild fish like the Stibnite Gold Project (SGP). As part of my work with the ICL Youth Salmon Protectors, I have organized multiple comment writing workshops in defense of these salmon and steelhead and in opposition to the SGP's permitting.

3. I support and volunteer with ICL and the Youth Salmon Protectors because I care for the land, water, and air that exists in Idaho, and I have a vested interest in its protection. ICL has been able to take action on my behalf and in defense of the land, water, and air here.

4. ICL's work on the SGP is very dear to me. I am a fly fisherman, river guide, kayaker, backpacker, and lover of the area affected by the SGP. Over the last few years, I have made multiple trips to the SGP site and surrounding areas each season to recreate in and connect with the magnificent ecology and landscapes that exist here.

5. During the summers, I live in Stanley, Idaho, where I work as a full time river guide on the Middle Fork of the Salmon River. Though I spend most of my time in the summers on the Middle Fork, when I have time off from working I find myself making the drive to its sister river, the South Fork of the Salmon. The South Fork and its tributaries are every bit as remote, ecologically complex, beautiful, and mystifying as the Middle Fork, though they have

not been afforded the same level of protection and developmental regulation. This is evident by the obvious effects of historical mining in the Yellow Pine pit, as well as the much higher content level of in-stream contaminants like cyanide and arsenic, much of which has found its way into the streams via dust particulate collected during runoff.

6. The first time I visited the SGP area and its surrounding landscapes was in the fall of 2019, during my senior year of high school. I was there with a dozen or so classmates and a few teachers to study the place and the effects of historical mining practices on the ecological and cultural history. We spent time at the Yellow Pine pit on a tour led by then Midas Gold employees, as well as exploring the surrounding area on our own. The most impactful experience of the trip, and the one that has inspired me to return year after year, was watching critically endangered Bull Trout spawn in the highest reaches of Sugar Creek, a tributary of the East Fork of the South Fork that converges just below the Yellow Pine pit. My classmates and I gathered on the river bank and sat in silence, watching these fish perform a dance and tradition which has been repeated in these streams for thousands upon thousands of years. I had never been able to observe fish as wild, as large, and as beautiful as these ones at such close distance, and they were seemingly unbothered by our presence. Being an angler and lover of wild fish at heart, I knew that I wanted to come back in the summer when they weren't spawning and try to connect with one of these residents.

7. And so, each summer since, I have been back to fish, to pick morel mushrooms, to camp, to explore, and to connect with the greater South Fork Salmon ecosystem. My ability to do all of these things in healthy and enjoyable ways will be negatively affected if the air quality is made worse by the proposed Stibnite Gold Project.

8. On a physical level, I rely on clean and fresh air in my lungs when I am exerting myself in hiking around in exploration of a place. Should the air around the SGP be allowed to be dirtied, I worry that breathing increased dust, and arsenic particulates, will adversely affect my health. On an emotional level, I rely on the health of the landscapes which I love so dearly. The time I spend with this ecology is fundamentally connected to my mental health, and I value this connection in ways that are difficult to articulate. Should the dust levels in the air be increased, so too will the level of contaminants in the waterways, in the soil, in the trees, in every aspect of the ecology of this place. This is an unacceptable risk for myself and thousands of other people who share my connections with this place, and it is a damning risk for the many species who call this place home, including bull trout, Chinook salmon, and steelhead, which are all listed as “threatened” under the federal Endangered Species Act.

9. I am concerned that when it issued the Permit to Construct, the Idaho Department of Environmental Quality (DEQ) did not include the Stibnite Road through the SGP area as part of the “ambient air” that is required to meet air quality standards. I have been on the Stibnite Road to access Sugar Creek, and I would like to return. However, because of the levels of particulate and arsenic pollution allowed under the Permit, I will either be putting my health at risk or will have to make the decision not to go to Sugar Creek.

10. I am also concerned that when it issued the Permit, DEQ made a number of assumptions about how the SGP will operate and reduce its emissions, but that the Permit does not require all such operations and reductions to occur. I am also concerned that DEQ did not require any air quality monitoring surrounding the SGP area boundary. Without all necessary Permit requirements and without monitoring while the mine is built and operated, I am concerned about unknown and potentially higher than expected air pollution levels outside of the

SGP area, which also threaten my health and the health of the environment in the South Fork. Because of these risks, I might avoid visiting places I would like to visit near the mine site.

11. With these points made, I have a very strong interest in ensuring that the air pollution as a result of mining operations be limited to the smallest amounts possible. The South Fork of the Salmon River ecosystem is invaluable to my physical, mental, and emotional well-being, and I sincerely hope that the quality of the air, waterways, and soil here will remain unburdened by deadly air pollution in perpetuity.

I declare under of penalty of perjury that the foregoing is true and correct.

Dated this 7th day of June 2023, at Stanley, Idaho.

/s/ Asa Menlove
Asa Menlove