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

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

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

Petitioners,)

v.)

IDAHO DEPARTMENT OF)
ENVIORNMENTAL QUALITY,)

Respondent,)

and)

PERPETUA RESOURCES IDAHO,)
INC.)

Intervenor.)
_____)

Agency Case No. 0101-2201

OAH Case No. 23-245-01

**DECLARATION OF JOSEPH
OATMAN**

I, JOSEPH OATMAN state and declare as follows:

1. My name is Joseph Oatman. I am a resident of Pendleton, Oregon, 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 am an enrolled member of the Nez Perce Tribe (“Tribe”), a federally recognized tribe. I am a descendent of Chief Looking Glass, a principal chief who signed the Treaty of 1855 with the United States. I have a Bachelor of Science in Fishery Resources from the University of Idaho and a Masters of Natural Resources from the University of Idaho. From 2001 to 2004 I worked for the Nez Perce Tribe’s Department of Fisheries Resource Management (“DFRM”) as a harvest biologist. Since 2007, I have served as DFRM’s Deputy Program Manager. My responsibilities include overseeing the Harvest Division and assisting the program manager in administering DFRM’s many anadromous and resident fish restoration projects and activities.

3. I grew up on the Nez Perce Reservation in north-central Idaho.

4. Since time immemorial, the Nez Perce people, the Nimiipuu, exclusively occupied over 13 million acres encompassing a large part of what is today Idaho, Washington, and Oregon—stretching from the Bitterroot Mountains to the Blue Mountains. Nez Perce also traveled far beyond this homeland to fish, hunt, gather and pasture—frequently going east to buffalo country, in what is today Montana, and west along the Snake and Columbia Rivers. In 1855, to preserve its way of life and the foods we depend upon, the Tribe entered into a treaty with the United States reserving to itself, among other guarantees, “the right of taking fish at all usual and accustomed places in common with the citizens of the Territory.” Treaty with the Nez Perces, June 11, 1855 (12 Stat. 957). Since that time, the Tribe has continued to exercise its treaty-reserved fishing, hunting, gathering, and pasturing rights. It is essential for tribal members to maintain connection with the rivers, lands, and fish that are critical to supporting

our culture and livelihoods. Nez Perce Tribal members, pursuant to the Tribe's Treaty-reserved rights, continue to fish, hunt, gather and pasture across the Tribe's vast aboriginal homeland at traditional places, including areas within and surrounding the proposed Stibnite Gold Project ("SGP") area and in waters directly downstream.

5. My family has strong ties to and has used the resources in the Snake River basin, including the South Fork Salmon River ("SFSR") for hundreds of years. I, like my family, have maintained those same strong ties to that area and the culturally-significant resources within it my whole life. Since childhood, I have fished with my family for salmon, steelhead, and bull trout in the SFSR watershed. We go to these same locations when fish are available to harvest them for subsistence, cultural, and other needs. In addition to engaging in treaty fishing, my family and I also engage in other cultural activities in the SFSR. This place is so important to us that when we lose loved ones, we leave rocks with their names inscribed on them to remember the camping, fishing, and enjoyment this area brought to us and those who have passed on. As we carry on our activities and use of this area, we can look up on the hillside where those rocks are placed to remember those who are no longer with us.

6. The South Fork Salmon River watershed is one part of the four major areas of the Snake Basin where we catch most of our spring/summer Chinook on an annual basis. As such, this is a critical area where tribal members can catch fish to meet their ceremonial, subsistence, and commercial needs. Tribal members and their families who use this area, such as my family, often do so as a multi-generational family unit. It is common to see two to four generations within a family traveling, camping, fishing, and using the area. There can be infants/toddlers up to the eldest member of a family that are present and involved in the daily life and activities in the SFSR. The ability to maintain our connection and relationship to each other and to the land, rivers, and fish, can be impacted by conditions or activities occurring in the area that could lead to unsafe or dangerous conditions that could limit, impede

or interfere with our ability to exercise our treaty-rights and gather our foods. Our responsibility is to ensure that all members of our family—from our youngest to our oldest—are safe and protected from anything or activity that could possibly bring harm to them.

7. I have personally engaged in treaty fishing for steelhead and bull trout within the boundaries of the proposed Stibnite Gold Project (“SGP”). My family and I plan to engage in treaty fishing and gathering within and adjacent to the proposed SGP area in the future. I am deeply concerned, however, that Idaho Department of Environmental Quality’s (“DEQ”) issuance of the air permit for the proposed SGP will injure my family and me by adversely affecting our ability safely exercise our treaty rights in and use and enjoy the area. My understanding from written comments provided by the Tribe to DEQ is that the SGP would create air pollutants, including dust with arsenic, in and adjacent to the SGP area. This air pollution is unhealthy to breathe and could impact our ability to fish which is a physically-demanding and strenuous activity. Air pollution also diminishes visibility that can affect our ability to see fish in the waterways, and may harm waterways, fish, wildlife, and flora, in the area. Injury to our health or to any of these resources caused by DEQ’s air permit would adversely affect my ability to safely exercise our treaty rights and to use and enjoy the area within and adjacent to the SGP for subsistence, cultural, spiritual, and economic purposes.

8. In addition to my personal and familial connections to and use of the area, I also have the honor and privilege of serving my Tribe and the Nez Perce people through my professional work as the Tribe’s DFRM Deputy Program Manager. The Tribe has one of the largest fisheries program of any tribe in the United States. The goal of DFRM is to recover and restore all populations and all species of anadromous and resident fish that are important to the exercise of the Tribe’s treaty-reserved rights and way of life. DFRM headquarters is in Lapwai on the Nez Perce Reservation in Idaho, and DFRM has offices in Powell, Red River, Grangeville, Orofino, McCall, and Sweetwater, Idaho, and Joseph,

Oregon. The program has over 180 employees and operates on a budget of \$24 million annually. DFRM has six divisions, which collectively provide administrative, technical, research, and enforcement services related to native resident and anadromous fish management activities in the Columbia and Snake River basins.

9. DFRM works extensively throughout the SFSR watershed, expending approximately \$2.79 million annually on fisheries supplementation, harvest management, research, and watershed restoration work, as part of the broader Columbia River Basin salmon restoration efforts. This work includes moving some Chinook salmon above the “Glory Hole”—a legacy mine pit at the proposed SGP that blocks salmon from migrating up to the East Fork SFSR to their spawning grounds.

10. Due to the Tribe’s Treaty-reserved rights and resources within and around the proposed SGP, and the Tribe’s substantial fishery restoration work in the SFSR watershed, the Tribe has invested substantial time and resources in reviewing the proposed SGP. The Tribe has submitted numerous written comments, including comments to DEQ on the air permit. The Tribe has also participated in staff-to-staff meetings with federal and state permitting agencies, and government-to-government consultations with federal permitting agencies.

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

Executed this 6th day of June 2023, at Lapwai, Idaho.

/s/ Joseph Oatman
Joseph Oatman