

# Critical Mineral Sourcing: Protecting Tribal Interests, Treaty-Reserved Rights, and the Environment



Samuel N. Penney | Nez Perce Tribal Executive Committee

# Mining's Profound Effect on Native Nations

- Shrunk aboriginal homelands
- Caused devastating injury to rights, sacred places, health, and culture
- 160,000 abandoned or "legacy" hardrock mines in the West are contaminating approximately 40% of Western watersheds
- 600,000 tribal citizens live within 6 miles of an abandoned mine, resulting in chronic, disproportionate exposure to dangerous pollutants



# Nez Perce Treaty of 1855

---

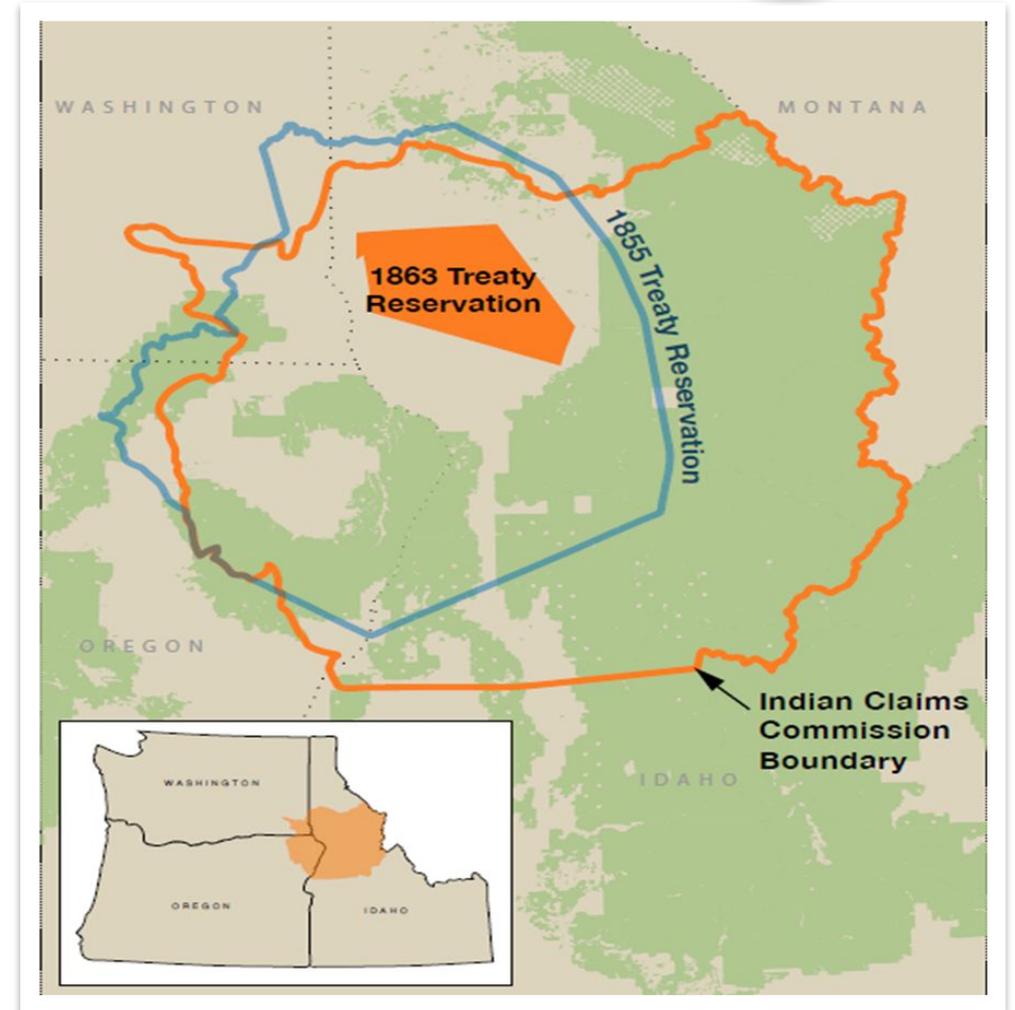
- Nez Perce ceded millions of acres of land in what is today Idaho, Washington, and Oregon to the U.S. in exchange for an exclusive homeland and reserved fishing, hunting, gathering, and pasturing rights throughout their aboriginal territory
- Today, Nez Perce Tribal members exercise Treaty-reserved rights on public and private lands throughout the West for subsistence, cultural, spiritual, and economic purposes



# Impacts of Mining on the Nez Perce Tribe



- In 1860, gold was discovered on the Tribe's 7.5 million acre Reservation—which was reserved by the Tribe in the Treaty of 1855 for its own exclusive use—leading to thousands of non-Indians entering and occupying the Reservation
- These illegal actions precipitated the Nez Perce War of 1877, a deadly conflict, and the Tribe's loss of over 90% of the land it originally reserved
- In addition to precipitating violence and displacement, historic gold mining had profound negative effects on treaty-reserved resources, particularly salmon



# Repairing the Damage from Historic Mining

---

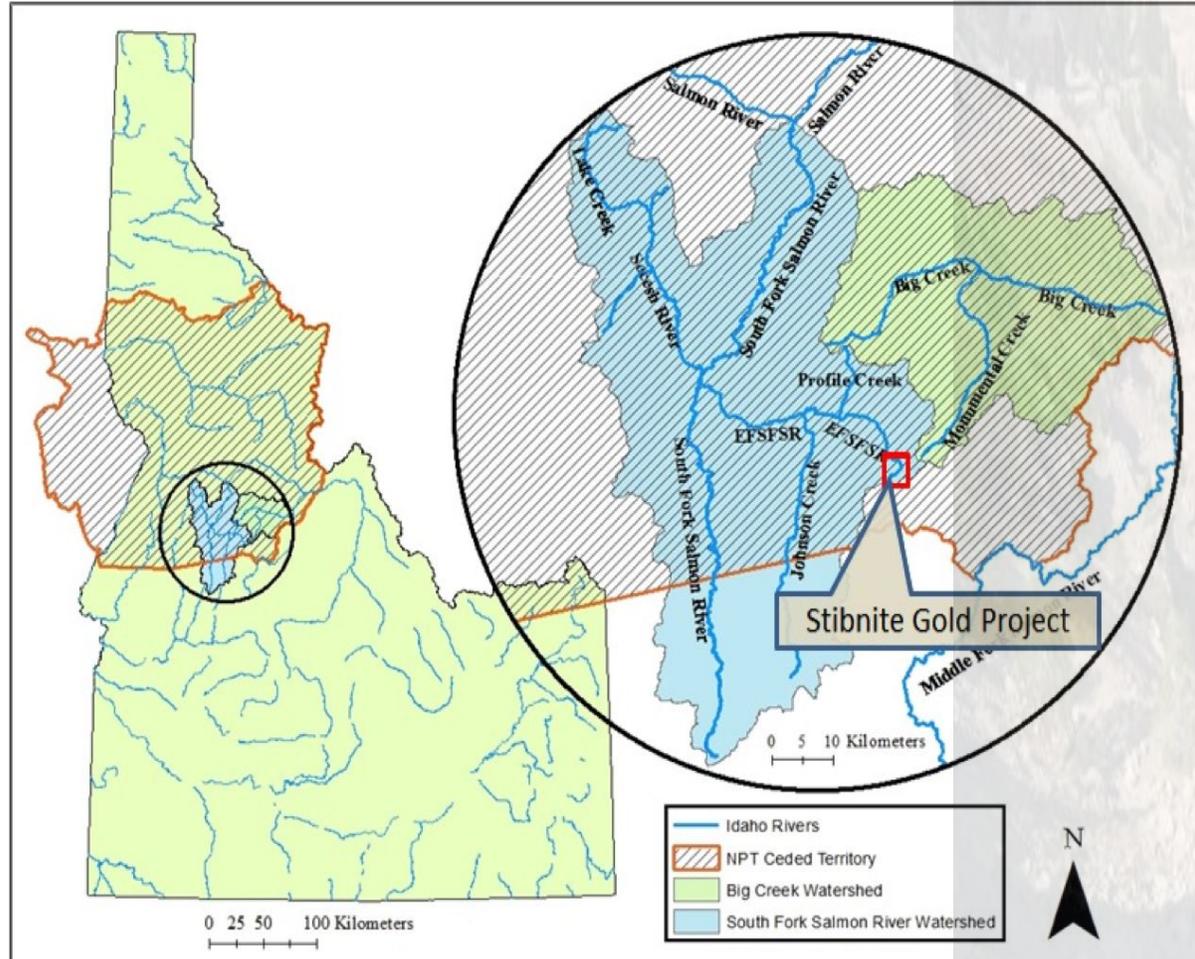
- Miners dredged entire river valleys, destroying salmon habitat
- Mercury and other toxins from mine adits and tailing piles continue to pollute waterways and contaminate fish
- Our Department of Fisheries Resources Management spends millions of dollars annually to restore fish habitat damaged or destroyed as a consequence of mining



*Before and after images of restoration from gold dredging in Crooked River, a tributary to the South Fork Clearwater River*



# Threats from Proposed Mining: Stibnite Gold Project



## Area historically mined:

- Blocked fish passage in headwaters of East Fork South Fork Salmon River
- Impaired water quality
- Heavily disturbed federal public lands

## Stibnite Gold Project:

- Payette and Boise National Forests
- One of the largest gold mines in the country
- Creates three open mining pits
- Hundreds of millions of tons of additional mine waste and tailings
- Significant disturbance to federal public land, increasing historic footprint

# Nez Perce Tribe's Interests in the Stibnite Area

---

- Deep connection to the land since time immemorial
- Treaty-reserved rights
- Historically, watershed was home to one of the largest Chinook salmon runs in the entire Columbia River Basin
- Nez Perce Tribe has implemented millions of dollars in fish and habitat restoration in area



# Nez Perce Tribe's Opposition to the Stibnite Gold Project

- Prevent or restrict treaty access
- Destroy treaty-reserved & cultural resources
- Destroy riparian and upland wildlife habitat
- Further impair or alter the headwaters of the East Fork South Fork Salmon River:
  - Water quality
  - Air quality
  - Hydrology



# Stibnite Gold Project: Critical Minerals Overlay



PRESIDENTIAL ACTIONS

## Immediate Measures to Increase American Mineral Production

Executive Orders | March 20, 2025

- To sell the Stibnite Gold Project, Perpetua seized on the global conversation about green energy critical minerals. The company's message strategically shifted from gold to the importance of the site's antimony reserves to the United States' national security and clean energy future.
- The Department of Defense has granted Perpetua approximately \$70 million for permitting.
- The Trump administration's recent Executive Order, "Immediate Measures to Increase American Mineral Production," seeks to include gold within the umbrella of "critical minerals" in its push to speed up mine permitting.
- The Tribe recognizes the importance of critical minerals but is deeply sensitive to the damage mining can cause and views the recent effort to deregulate critical mineral extraction with skepticism and concern.

# What Responsibly Sourcing Critical Minerals Must Include

---



- Acknowledgement of mining's past and ongoing environmental, cultural, and political injustices to indigenous people
- Honoring of treaty rights as the supreme law of the land in the U.S. Constitution
  - Mining doesn't take precedence over treaties
- Free, prior, and informed Tribal consent
- Protection of tribal access to traditional lands
- Enactment and enforcement of stronger environmental regulations to protect tribal resources
- Strict controls on critical mineral exploration so not a pretext for weakened regulations or government or public support for non-critical mineral mining
- Major reclamation/bonding reform to ensure comprehensive cleanups

Qe'ciyéw'yew' (Thank you)

