NORTHERN PLAINS
RESOURCE COUNCIL

GOOD NEIGHBOR AGREEMENT

ENSURING LAND, WATER, AND COMMUNITY PROTECTIONS

The GNA and Major Amendment 014

Major Amendment 014 (MA014) proposes to authorize expansion of the Hertzler Tailing Storage Facility (TSF) and East Side Waste Rock Storage Facility (ESWRSF) at the Stillwater Mine, which extends the life of mine by approximately 40 years. The current waste rock storage and tailings storage facilities will reach capacity within the next 3-5 years.

The GNA specifically addresses tailings and waste rock and encourages implementation of best practices to minimize footprints and maximize safety of SMC's waste disposal facilities. Since 2015, the GNA Councils have participated in extensive environmental baseline studies, siting alternatives analyses, risk assessment exercises conducted by SMC, and has brought in independent third-party consultants to provide recommendations and raise informed concerns regarding the plan developments of MA014.

What is the Good Neighbor Agreement?

The Good Neighbor Agreement (GNA) is a legally binding contract between Sibanye-Stillwater (SMC) and Northern Plains Resource Council, Cottonwood Resource Council, and Stillwater Protective Association (the GNA Councils) that provides the opportunity for members to participate in mine decisions that impact the local economy and environment. The GNA works to minimize mine related impacts to our land and water resources while allowing for responsible economic development of the East Boulder and Stillwater Mine operations.

What is Waste Rock?

Waste rock is the rock excavated during mining that contains little to no valuable minerals and is not processed for metal recovery. It is removed to access the ore-bearing rock and is deposited in large piles known as waste rock storage facilities for permanent disposal. At the Stillwater and East Boulder mines, this rock contains residual nitrate and ammonia from the use of explosives.



Stillwater Mine, MT

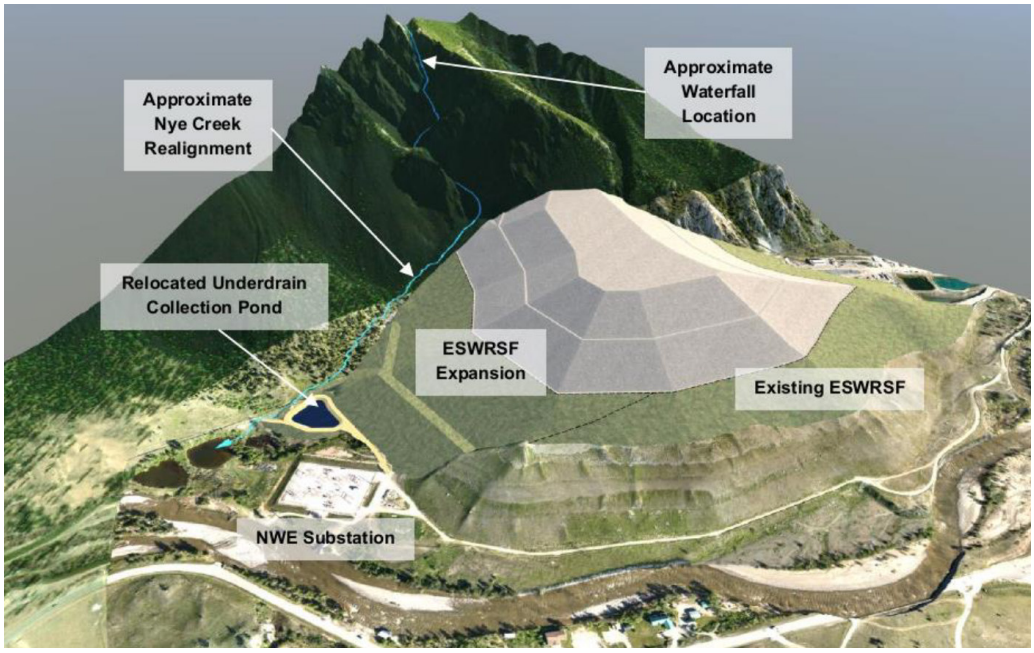
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East Side Waste Rock Storage Facility Expansion

MA014 proposes to expand the current ESWRSF to the north and east of the current facility, increasing the permitted height 200 feet from an elevation of 5,150 feet to 5,350 feet, with 61 acres of new disturbance. The expansion of this facility will extend the life of the facility by approximately 36-42 years, depending on mine production rates. Upon permitting approval, construction is planned to begin in 2029. The ESWRSF expansion areas will be lined with a high-density polyethylene (HDPE) liner and drainage collection system.

Throughout the design development of the facility expansion, the GNA Councils have advocated for robust stability, liner and leak detection systems to contain water captured for further treatment, geomorphic reclamation that mimics the surrounding environment, and extensive water quality and vegetation monitoring that has influenced facility design. This includes our participation in stability modeling, projected storm events exercises, and review of instrumentation monitoring to ensure long term stability and safety in the proposed designs. The Councils have advocated for using geomorphic reclamation on the facility's outer slopes so the land can return to a more natural topography. This approach mimics natural drainage patterns to reduce sloughing and erosion, rather than relying on the uniform, engineered slopes created by traditional construction methods. The Councils also encouraged SMC to conduct a third-party review of the ESWRSF design, which found that the design exceeded current guidance and applicable regulatory requirements.

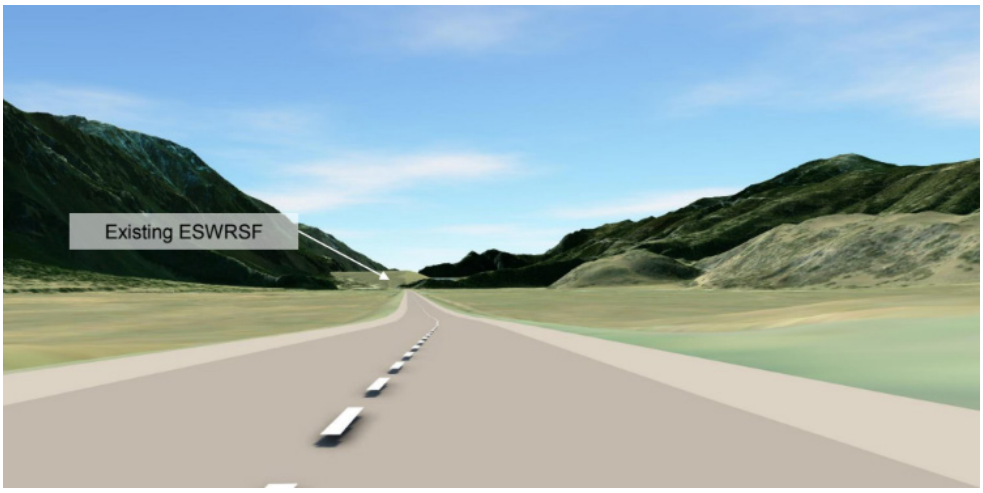


Proposed ESWRSF expansion

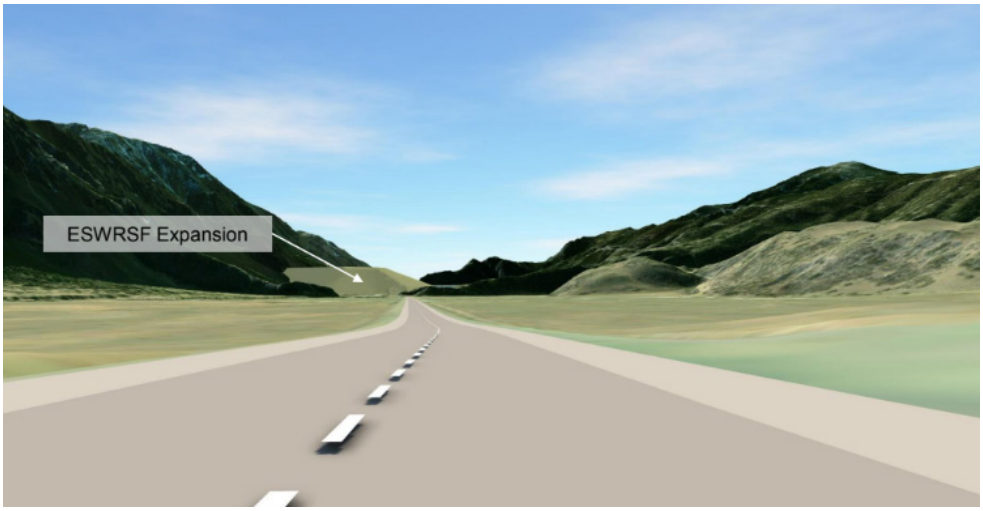
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From our extensive engagement in the design process, the GNA Councils recommend the following considerations to Sibanye-Stillwater and agencies:

- **Incorporate Geomorphic Reclamation Techniques in the Facility's Outer Slopes.** Integrate natural landform restoration approaches to improve ecological resilience, reduce erosion, and create habitat continuity that mirrors the surrounding landscapes' natural topography.



Existing ESWRSF



ESWRSF Expansion

- **Consider Large Storm Events in Design Plans.** Incorporate adaptive design features that anticipate increased storm intensity and frequency, including enhanced stormwater management systems to prevent flooding and contamination risks.

- **Bolster the New Boundary of the Waste Rock Pile.** Strengthen containment measures at the waste rock pile's new boundary to prevent contamination from waste rock leachate, given its close proximity to Nye Creek and the Stillwater River.

- **Disclose Existing Water Quality Impacts from Waste Rock Leachate.** Ensure adequate and protective water quality monitoring through the use of monitoring wells to provide comprehensive data on groundwater quality and detection of any potential contamination around the facility.

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Nye Creek Relocation

SMC is proposing to relocate the lower section of Nye Creek below Pencil Falls, to make way for the construction and expansion of the ESWRSF. The proposed expansion of the ESWRSF will cover the creek's current path, requiring the company to relocate part of the stream. SMC is proposing construction of a lined engineered channel that would impact approximately 2,500 feet of Lower Nye Creek. They propose removal of an existing large culvert, relocating the Creek away from historic chromite tailings and active mine areas, and restoring native vegetation along the new alignment as actions that will enhance the Creek's overall function.

It is relevant to note that since the 1880s, Lower Nye Creek has been altered several times, significantly modifying the creek from its original channel alignment. These modifications have been a result of previous mining, agricultural, and reclamation activities, as well as natural migration of the creek bed over time.

The GNA Councils have been actively engaged in the design development of this relocation, and are concerned with potential impacts to aquatic habitats, ecological integrity, sedimentation, flow conditions, and impacts from plastics. As part of our review process, the GNA Councils consulted a third-party stream restoration specialist to review design plans and provide direct feedback to the company on design alternatives that minimize impacts, mimic natural stream conditions, improve fisheries habitat, and better ensure long-term viability of Nye Creek after it is relocated.

From these findings and engagement with a third-party stream restoration specialist, the **GNA Councils recommend** the following considerations to Sibanye-Stillwater and the agencies:

- **Recognize natural intermittency.** A channel that cycles through periods of both intermittent and perennial flow may represent the creek's natural geomorphic condition. A design that acknowledges this condition and minimizes impacts should be evaluated as an alternative to the proposed design, which emphasizes perennial flows through an artificially lined channel.
- **Allow natural channel formation**. Nye Creek should form its own natural channel in the upper reach, and this approach should be extended to the middle reach. Agencies should consider whether forcing perennial flow through a lined channel is necessary.
- **Utilize existing ponds for sediment management.** A primary channel is expected to form over time and develop a natural stream and floodplain similar to upstream reaches. This process is anticipated to flush sediment downstream while a new channel forms. Existing ponds in the lower reach have sufficient capacity to function as sediment detention during this process and will prevent excess sediment from entering the Stillwater River.
- **Restore former wetlands and ecological connectivity.** The Councils concur with SMC's recommended proposal to eventually reclaim the trout ponds as wetlands, with a restored sinuous channel to minimize channel loss, reconnect Nye Creek to the Stillwater River fishery, and reduce temperature impacts.
- **Additional Flow Monitoring.** The Nye Creek flow study performed in 2025 left some questions unanswered, including how an unlined channel responds to typical high flow events. The Councils recommend continuation of the flow study in 2026 to better inform whether a more natural stream design alternative should be considered.

These factors should strongly be considered by the agencies for incorporation into the approved design when choosing the selected alternative for the lower reach.

What are Tailings?

Tailings are the mineral waste produced following the crushing, grinding, and separation of a desired metal from ore in the mill or concentrator. Tailings are a mixture of sand/silt-sized particles and water with residual amounts of chemicals, metals, and nitrates from the mill. A tailings storage facility (TSF) is a structure built to store this waste material in perpetuity.

Hertzler Tailing Storage Facility Expansion

SMC is proposing a new tailings storage facility (TSF) west of the existing Hertzler Stage 3 TSF. This would include construction of two additional impoundments, through an expansion process described as Hertzler **Stage 4 TSF** and Hertzler **Stage 5 TSF.** The Stage 4 TSF would provide an additional 15-21 years of disposal, and the Stage 5 TSF expansion will provide an additional 15-21 years of disposal. Both TSFs will be 140 feet tall, with a crest elevation of 4,980 feet. The facilities will be lined with a high-density polyethylene (HDPE) liner to minimize seepage from the facility, and an underdrain system, which helps manage water in the facility. Additionally, the type of embankment proposed represents the safest alternative and adherence to best practices. All disturbance for the construction of the Hertzler Storage Facilities will occur on private land owned by SMC.

The GNA Councils participated in an evaluation of 18 other potential sites for the proposed TSFs, using the following criteria: water resources, biological resources, recreation resources, public health and safety, and aesthetics. The two selected sites were identified based on the best ranking of these criteria within a Best Available Technology Study. The GNA Councils also participated in a risk assessment exercise in 2020, and the Independent Review Panel's assessment of the design to meet Montana regulatory requirements.

The GNA Councils recommend the following considerations to Sibanye-Stillwater and the agencies to address our outstanding concerns with the proposed design:

- **Evaluate the Feasibility of Filtered and Thickened Tailings.** We encourage robust evaluation of alternative tailings processing methods that reduce water content, improve stability and reduce the risk of seepage and water quality impacts, while also allowing for disposal of more tailings within the same footprint.
- **Require Incorporation of Geomorphic Reclamation Principles into the Design Prior to Construction.** Continue prioritizing natural landform restoration techniques during initial design phases to support early vegetation establishment, soil stability, and long-term ecosystem recovery. We also recommend future review of best practices of reclamation practices as new technologies are developed and implemented.
- **Ensure Adequate and Protective Water Quality Monitoring Wells.** We recommend monitoring wells around the TSFs to provide comprehensive data on groundwater quality to detect any potential contamination as close to the facility as possible.

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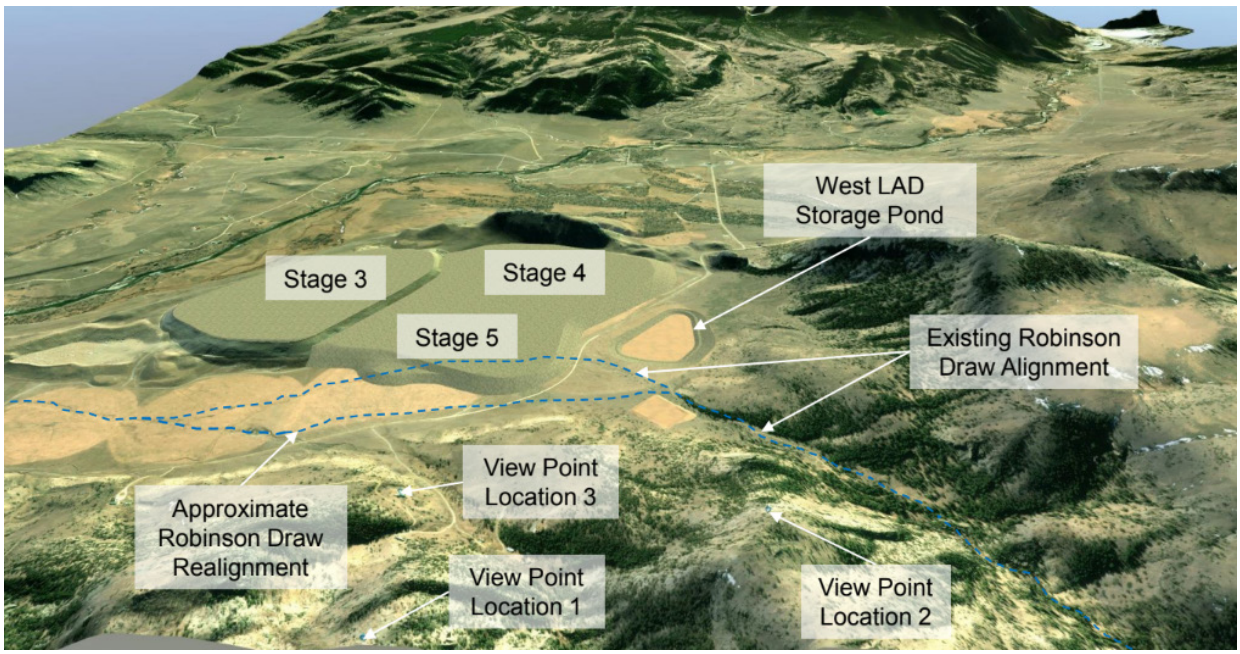
What is an LAD Storage Pond?

LAD stands for Land Application Disposal system, which is a part of the wastewater treatment system at Stillwater Mine's Hertzler Ranch. It is used to store and dispose of excess treated mine water through irrigation pivots or percolation ponds (passive infiltration to groundwater).

West LAD Storage Pond

SMC proposes to replace the existing LAD Storage Pond as part of MA014. This pond would be a lined 200-million-gallon basin, and would be used to store and manage treated mine water. The construction of Hertzler Stage 4/5 TSFs and the West LAD Storage Pond would include a total disturbance area of 446 acres at the Hertzler Ranch, and include ongoing reclamation during construction, and water quality monitoring.

The GNA Councils participated in the design process for the West LAD Storage Pond, which included the evaluation of three possible designs. The GNA Councils advocated for visual mitigation measures, and consideration of proximity to people and communities throughout the development of Stage 4, Stage 5, and the West LAD Pond.



Proposed West LAD Storage Pond

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Since the establishment of the Agreement in 2000, the GNA Councils and Sibanye-Stillwater have also successfully implemented the following protective measures:

- State-of-the-art, satellite-linked survey monuments and inclinometers to measure ground movement, and piezometers for groundwater pore pressure monitoring, that provide real-time, continuous data.
- A Tailings Operations Maintenance and Surveillance (TOMS) manual for each Tailings Storage Facility (TSF) that describes how it is to be operated, monitored, and maintained to ensure a safe and stable condition.
- Emergency planning with local, county, and state emergency services to plan for and distribute information regarding the presence and risk of TSFs, and what to do in the highly unlikely event of a TSF failure.
- Conservative financial assurance for reclamation and closure of the TSFs by the relevant government agencies were the mine to go bankrupt.
- Planning at the design phase to ensure the best possible reclamation outcomes to match the natural environment.
- Consistent review of Best Available Technologies and Best Available Practices for TSFs

The GNA is unique in that it not only meets, but exceeds, state and federal requirements. Notable examples include:

- Mitigates impacts associated with noise, lighting, and traffic at either Stillwater or East Boulder Mines.
- Considers geomorphic reclamation, climate, and aesthetics in the development of new plans prior to regulatory review.
- Mitigates water quality impacts in more locations with higher standards, and requires maintenance of baseline water quality - which is more stringent than regulatory requirements.
- Encourages stricter water treatment performance and discharge practices than those required by permits.
- Establishes limits on mine sponsored housing to promote local community development.
- Provides a formal decision-making role for GNA members regarding mining operations, and the opportunity to address potential problems before they occur.
- Provides the opportunity for GNA participants to evaluate and influence the location and design of proposed and new facilities, such as Hertzler Stage 4, Stage 5, and the East Side Waste Rock Storage Facility.

These combined efforts have strengthened a thorough technical design and review process for the planned expansions at Stillwater Mine. We believe this represents a model approach for developing expansion plans, incorporating meaningful involvement from stakeholder representatives through the GNA. We are proud of this collaborative work to protect our communities' working landscapes as we usher in a new era of responsible mine development.

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The GNA is a legally binding agreement premised on the belief that it is possible to protect our natural landscapes and rural quality of life while allowing responsible mineral development. Even after more than two decades, the GNA continues to prove successful in protecting our local communities and rivers, providing an example of what is possible when everyday people come together and organize.

How do I submit a Public Comment?

Scoping and public comment are critical phases of the environmental review process, governed by the Department of Environmental Quality (DEQ) and the United States Forest Service (USFS), that ensure proposed projects are carefully evaluated for potential environmental impact, as well as ensuring that those impacts are described and disclosed to the public. Both phases are designed to get public and interagency input, promoting transparent decision-making. While the GNA Councils are actively involved in providing recommendations directly to the company, we will also submit public comments to the agencies highlighting any remaining concerns, independent recommendations, and feedback on the expansion application.

Scoping is anticipated to occur in May of 2026 and will be available online at https://deq.mt.gov/public/publiccomment. Montana DEQ will issue public notice with the schedule and locations for scoping meetings, along with the timeline allowed for public comment submission. If you would like to receive an email notification from Northern Plains Resource Council when the public comment period opens, please scan this QR code and fill out your information. We will update the public scoping and comment period timelines on our website, found at the below QR code link. Note, you generally must comment during the Draft EIS phase to ensure your input is formally addressed in the Final EIS, as the Final EIS must respond to substantive comments from the Draft EIS, but does not usually open new comment periods.

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