

# Appendix E

## Response to Comments on the Draft EIS

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### Introduction

The purpose of this Appendix E is to present the comments received on the draft Pogo Gold Mine EIS from the public, Tribes, and the agencies, and to respond to those comments.

The Pogo Gold Mine draft EIS presented feasible alternatives to the Applicant’s Proposed Project, and described how the environmental impacts would differ between those alternatives. As a result of public, Tribal, and agency comments on the draft EIS, the body of this final EIS contains both changes to the draft EIS text as well as additional information not contained in the draft EIS.

While the draft EIS contained the draft major permits and evaluated the impacts of the different alternatives under consideration by the agencies, this final EIS does not contain the final permits for several reasons, including requirements in law that the final EIS be published before some formal records of decision (ROD) concerning the permits may be finalized. In many cases, therefore, final decisions on comments specific to one or more of the draft permits published in the draft EIS cannot be included in this final EIS because the agencies have not completed their final RODs. All such specific comments, however, have been reviewed by these agencies, and these comments will be fully considered in the agencies’ decision-making processes. Thus, many of the comment responses shown later in this appendix merely acknowledge that such comments will be considered by the agency and its final decision will contain a discussion of that particular issue.

When a DEIS comment addressed a particular EIS issue, rather than a draft permit issue, a specific response has been given below. Such responses usually state whether changes have been made as a result of the comment, where those changes have been made, or where in the document information may be found that responds to a comment or question.

The draft EIS comment period formally began with a notice of availability published in the *Federal Register* on March 14 , 2003, and closed 60 days later on May 13, 2003, although



comments received after the closing date were considered and are included here. In addition, public meetings during which comments and testimony were taken were conducted in Delta Junction on April 29, 2003, and in Fairbanks on April 30, 2003.

The 184 commenters made a total of approximately 641 comments. These figures do not include comments received during government-to-government consultations with Tribes, which are discussed separately below.

## Comments Summary

Following is a compilation of the large majority of comments, grouped by subject. The parentheses bracket the number of commenters making that comment.

### General

- Specifically support the Pogo project, or urge issuance of the permits. (73)
- The Applicant has conducted a good public involvement program. (17)

### EIS Structure

- Document underrates total impacts to fish, wildlife and people for the preferred route, while understating the impediments listed for the other two options. (2)
- Document fails to analyze impacts of the Agency Preferred Alternative. (1)
- Document needs to include a description of navigation impacts from construction of a bridge across the Goodpaster River. (1)
- Document needs to include a description of the impacts of a controlled firing area for use of explosives. (1)

### Mine Access Road

#### *Route*

- The Shaw Creek Hillside route option should be used. (98)
- Opposed to using the section line easement near end of Shaw Creek Road. (3)
- Use the South Ridge route option. (2)
- Do not use the Shaw Creek Hillside route option. (1)
- State should use a portion of a possible RS2477 ROW for construction of the mine access road. (1)
- State could pay to construct and maintain the first 25 miles of road so it can extend the road later if it wishes. (1)

#### *Construction Standards*

- What are road construction standards? (1)
- Any plans to pave the lower end of Shaw Creek Road? (1)
- Insure that Rosa, Keystone, and Gilles creeks are bridged. (1)

#### *Management*

- During mine operations, support public use of the road:
  - Before Gilles Creek:
    - Yes (9)

- No (96)
  - Past Gilles Creek
    - Yes (7)
    - No (92)
- After mine closure, support public use of the road:
  - Before Gilles Creek
    - Yes (94)
    - No (10)
  - Past Gilles Creek
    - Yes (14)
    - No (92)
- Allow other resource developers to use the road. (13)
- There should be a no hunting buffer adjacent to the road. (5)
- There should be a buffer adjacent to the road with no tree cutting. (3)
- Who will manage and maintain the road? (3)
- Where would the security gate be located? (3)
- Very important that road be open for access to Goodpaster River crossing. (2)
- There should be a limited number of permits for public road use so people can access recreational areas. (2)
- Will other resource developers be able to use the road? (1)
- Should allow other resource users to construct laydown areas next to the road. (1)
- Close road to the public, but give the two current Shaw Creek Valley cabin owners lifetime passes. (1)
- If Applicant is responsible for road construction and maintenance, it should control who can use the road. (1)
- What are the impacts of temporary road construction camps and airstrips? (1)
- Should be turnouts along road if open to public use. (1)
- Drivers should use CB radios for safety purposes on access road segments open to the public. (1)
- Will the Applicant have to pay fuel taxes on the portion of the road not open to the public? (1)
- DOF does a terrible job of maintaining the roads it has put in. (1)
- Restrict public use after Pogo Mine closure with public campsite at end of road. (1)

### **Reclamation**

- The entire road from the end of the existing Shaw Creek Road to the mine site should be reclaimed after mine closure. (9)
- Need to insure reclamation of the road past Gilles Creek. (4)
- When the road is reclaimed past Gilles Creek, the Gilles Creek Bridge should be removed. (1)

### **Richardson Highway Egress**

- Concerns expressed concerning use of the existing Shaw Creek Road:
  - Safety. (4)
  - Traffic levels. (3)
  - Effects on surface water quality. (3)
  - Dust. (3)

- Noise. (2)
- Should use the Tenderfoot route Richardson Highway egress suboption. (2)

### **Bus Station Location**

- Should be located on the Richardson Highway and not near the TAPS crossing. (11)

### **Winter Only Access**

- The winter only access option is not viable. (1)

### **Goodpaster River Winter Trail**

- The purpose of using the winter trail is solely to accelerate mine development by several months to facilitate a more rapid return on the Applicant's capital. This is clearly unacceptable in view of potential environmental impacts. (1)
- Adapt North Slope winter road guidelines for depth of snow for Pogo project. (1)
- Will Goodpaster winter road require clearing and regrading? (1)

### **Air Access**

- Retain airstrip after mine closure. (1)
- Project aircraft should not fly over occupied cabins in Goodpaster Valley. (1)

### **Railroad**

- Mine access should be by railroad. (1)

### **Mining**

- Is dynamite used in the mining process? (1)
- How will ore be extracted and processed? (1)
- Mine safety is important. Historically, 83 people have died the Fairbanks Mining District in gold mining activities. (1)

### **Development Rock Storage**

- The DEIS does not include acid-base accounting or column leaching and humidity test data. (1)
- Data used to justify the selection of arsenic and sulfur thresholds for mineralized and nonmineralized development rock should be presented. (1)
- An analysis should be made of the potential environmental benefits and costs of disposing of more development rock underground. (1)
- There should be a schedule shown for emplacement of mineralized development rock in the dry-stack facility. (1)



## Gravel

- Material sites should be developed with the long term objective of providing for fish stocking. (2)
- Crushing development rock, rather than mining gravel, appears to be the environmentally preferred option to produce gravel. (1)
- Crushing development rock would avoid impacting four acres of Conservation Priority Index high value habitats. (1)
- Material sites should be connected to adjacent waterways to allow use by fish. (1)
- Develop road accessible gravel pits as stockable fishing lakes; connect Goodpaster River Valley gravel pits to the river. (1)

## Water Discharge

- Will the discharge volume affect the Goodpaster River? (3)
- Need water quality monitoring. (2)
- Discharge to injection wells rather than to a mixing zone. (1)
- Supports the innovative approach to water discharge. (1)
- Will the discharged water temperature have impacts? (1)
- Discharge must comply with water quality standards. (1)

## Power Line

- The power line option is preferable to on-site generation. (3)
- The power line and road ROWs should be kept together. (3)
- The Shaw Creek Hillside power line route is preferable. (1)
- Will the power line up Sutton Creek cause resource impacts? (1)

## Dry Stack and RTP

- It is difficult to understand why the lined dry stack and RTP is not the environmentally preferred option. (2)
- Supports the unlined dry stack and RTP option. (1)
- Should the freeboard of the RTP dam be increased so that any discharge would be diluted by storm water inflows before overtopping would occur? (1)
- RPT dam inspections should occur more frequently after heavy rainfall. (1)

## Site Meteorology

- Net evaporation site data should be discussed. (1)

## Water Quality

- An explanation is needed as to why iron is the only constituent to increase between the water treatment plant to the point of discharge. (1)
- Has thallium been considered as a pollutant issue? (1)
- Concerned about cyanide spills. (1)

**Air Quality**

- There is no discussion of summer dust control for the tailing dry stack. (1)

**Noise**

- There is no analysis of potential noise impacts on the mine workers' living area. (1)

**Wetlands**

- The alternatives analysis is deficient because it fails to analyze a tailings disposal location that does not involve a stream or wetlands. (1)

**Fish**

- Because a portion of the airstrip would be located close to the Goodpaster River, stream buffer retention measures should be taken to stabilize the banks. (1)
- Not enough information is known to determine impacts to some 20 streams that would be crossed in Shaw Creek Valley. (1)
- Ongoing data gathering is needed to fill in gaps regarding Shaw Creek tributary streams and crossing locations. (1)
- Will culverts be constructed to insure fish passage? (1)
- Need to armor banks to minimize flood damage. (1)
- Need to protect fish. (1)

**Wildlife**

- Need to protect the Fortymile Caribou Herd (8)
- Workers should be informed about seasonal movements of the Fortymile Caribou Herd in the project area. (1)
- A more detailed description of the Conservation Priority Index methodology should be included as an appendix. (1)
- There are peregrines nesting on the bluffs near Shaw Creek Road. (2)
- Public access on a new road will require changes in fish and game management (1)

**Socioeconomics**

- The Pogo project will bring jobs and economic benefits to the Delta area (35)
- Appreciates support of the Delta community for the Pogo project. (1)
- The Delta Junction/Tok area will form a borough and Teck should calculate this prospective expense in its business plan. (1)

**Land Use**

- State land should be sold along the mine access road to encourage settlement. (1)
- TVSF plan changed from winter access to all season access without notifying impacted residents. (1)
- Don't need access into all areas. Some need to be preserved as they are. (1)

### **Subsistence**

- Mitigation for subsistence should be addressed under the Agency Preferred Alternative. (1)
- The document addresses non-Native subsistence uses under recreational hunting and fishing, which is contrary to state law. It should be pointed out, therefore, that some of these recreational users may consider themselves as subsistence users. (1)

### **Cultural Resources**

- There are cultural resources along the Shaw Creek Hillside route. (2)

### **Recreation**

- A public road after the Pogo project will enhance recreation. (1)

### **Cumulative Impacts**

- Concerned about cumulative impacts. (2)

### **NPDES Draft Permit**

- NPDES permit should be approved. (11)
- Arsenic should be regulated with a discharge standard in the NPDES permit. (2)
- Iron should be monitored at Outfall 011 weekly since it is not being monitored at Outfall 001. (2)
- NPDES permits are required both for the disposal of the mine tailings and development rock into Liese Creek and its surrounding wetlands, and for the discharges from that pile. (1)
- Nickel should be regulated with a discharge standard in the NPDES permit. (1)

### **ADNR Draft ROW Permit**

- Need to clearly guarantee fully open and participatory public process in decision making for future mine access road management changes. (4)
- Final permit should include stipulations that ADNR will conduct a cumulative impacts analysis and review monitoring data collected since baseline to ensure that the access road and Pogo operations have not had significant deleterious effects on the Goodpaster River, Shaw Creek, and the surrounding environment. (2)
- Stakeholders in the Goodpaster Review Working Group should be increased. (2)
- If the first segment of the mine access road were open to public use: (1)
  - ADNR should monitor to determine degradation from off-road vehicles and to limit development of unauthorized trails.
  - All roads in the TVSF should be open for public use.
  - RV use should be permitted.
- The Applicant should reimburse the DOF for monitoring public use of the mine access road and assisting in resource management and protection. (1)
- Adopt 9" dbh definition for merchantable timber rather than 4.5" during ROW clearing. (1)

### Competitive Material Sale and Land Lease

- State should not compete with private sector in selling gravel, or leasing land for maintenance and staging facility. (1)

### ADEC Draft Waste Disposal Permit

- Solid waste permit should be approved. (13)
- At a minimum, the reclamation bond should be increased to \$27,786,454, and possibly to \$34,491,185. (1)
- The development mineralized rock cut-off level for arsenic should be 200 mg/KGCMC rather than the proposed 600 mg/kg. (1)
- All development rock brought to the surface should be monitored quarterly for acid-base accounting. (1)
- Unclear exactly when facility safety inspections would occur. (1)
- Greens Creek Mine permit standards for revegetation should be considered for the Pogo permit. (1)
- Permit should specify the next step if revegetation standards were not met. (1)
- All changes to the permit revegetation standard should receive public review. (1)
- The monitoring plan should clearly differentiate between development rock left underground and that brought to the surface. (1)
- The development rock mineralized/nonmineralized classification procedure should be clearly outlined in the monitoring plan and not just referenced. (1)
- Surface development rock storage should be confined to specific sites, with a time limitation on temporary storage. (1)

### Reclamation and Closure Plan

- Local species, and collection of local seeds for revegetation, should be required, as well as use of the minimum amount of fertilizer for the shortest possible time. (1)
- Establishing a more natural drainage pattern would contribute to better restoration of the site rather than ditches outlining the edge of the dry stack. (1)
- Gravel pits should be reclaimed to avoid wildlife entrapment and promote wildlife habitat. (1)
- Supports reclamation plan. (1)

### EIS and Permitting Processes

- The permit process needs to be streamlined. (3)
- Impacts would occur to Shaw Creek Road residents because they are small in number and can't mount a large scale protest. (2)
- How do the Tribes participate in determining permit stipulations? (2)
- With "...the support, funding and power of a billion dollar operation with the legislative and executive backing of State government...and the effect this project will have on the local economy, I envision this process much like a steam roller plowing over an ant." (1)

## Government-to-Government Consultations

In addition to the oral and written public, agency, and Tribal comments described above, a government-to-government meeting was held in Fairbanks on April 30 with representatives of four potentially affected Tribes and four federal and state agencies.



At this meeting, Tribal representatives raised the concerns and questions below about several aspects of the proposed project as described in the draft EIS. By the nature of the meeting, most of these concerns and questions were responded to at the time they were raised by the agency representatives, with references to those places in the draft EIS where more detailed discussions could be found.

1. How will the mine's water discharge affect fish?
2. What will be the cultural impacts of the mine access road?
3. How will caribou be affected?
4. Will agencies seriously consider Tribal concerns?
5. There will be impacts from the road on traditional subsistence use areas.
6. The Healy Lake Traditional Council opposes any of the road being open to public use.
7. What monitoring will be done by ADNR to control trespass on closed portions of the road?
8. What will happen to the road after the mine closes?
9. Where will wastewater discharge monitoring occur?
10. Are there any benefits from the project for residents of Dot Lake and Healy Lake?
11. Some Tribal members have been working, or training for work, with the Pogo project.
12. Applicant needs to get word out better about possible jobs and training.
13. Are there any other local benefits other than jobs?
14. The Applicant has been a good neighbor and helped in an emergency situation at Healy Lake.
15. The Applicant has been working very closely and well with the community.
16. What impact would the road have on wildlife?
17. How many new hunters would use the road?
18. Has there been an analysis of impacts if DOF were to build a road up Shaw Creek Valley?
19. How much of the road would be reclaimed after mine closure?
20. Are there any Native Alaskans with land in the Tanana Valley State Forest?
21. How would the road be reclaimed?
22. Can the Applicant's bond be renegotiated in the future?
23. Will there be a domestic dump site at the mine?
24. Has there been any consultation with the Tribes concerning waste disposal?
25. What is the Applicant's position on road reclamation?
26. Where have the DEIS public meetings been held?
27. The applicant has actively tried to have local people on the project.
28. It would be easier for village residents if these meetings were held in the villages.
29. The Applicant has been in contact with the Tanana Chiefs Conference (TCC) employment department, and TCC is working with appropriate villages for employment opportunities.
30. Appreciates the federal and state G2G consultation process.
31. Rural economic development is very important to keep the villages viable.
32. Would like to be able to comment on the road bridges after they are in place.
33. Will there be an effort to inform Tribes not present about issues raised during this G2G meeting?
34. How will the State treat the comments received during this G2G meeting?

## Public and Agency Comments

Comments were received orally at the public meetings in Delta Junction (April 29) and Fairbanks (April 30), in writing on public meeting comment forms and by letter and fax, and electronically by e-mail. Each set of comments from one commenter, e.g., oral presentation by one person, one letter, or one e-mail, is referred to as a comment document. The comment documents were sorted into the commenter categories shown below, and within each category in alphabetical order. Then, each comment document was scanned and is reproduced later in this appendix. The oral comments received at public meetings are contained in the individual public meeting transcripts that also are reproduced below in Appendix E.A. When individuals commented in more than one way, e.g., at a public meeting and then followed up with written comments, all comments have been reproduced in this appendix. When virtually identical comment letters or e-mails were sent individually to EPA and the State, however, only one set of comments has been reproduced.

Commenter Category	No. of Commenters
A. Public meetings	
Delta Junction	20
Fairbanks	35
B. Public (individuals, companies)	99
C. Tribes	2
D. Non-governmental organizations (NGOs)	12
E. Municipal government	1
F. Legislators	3
G. Agencies	11
H. Applicant	1
Total	184

On each comment document (letter, e-mail), individual comments have been identified by a unique designation in the right hand margin using a letter to identify the commenter category (A through H as shown above), followed by a number identifying an individual commenter. This designation is then followed by a dash and then the specific comment number for that particular commenter. For example, the unique comment designation B46-3 indicates comment number three for commenter number 46 in the public (individual or agency) category.

Following each comment document reproduced below, comment responses are given that are keyed to each comment using the unique comment designation described above.