

Appendix E.C

Response to Comments on Draft EIS Tribal Written Comments





Tribal Consultation - Formal Comment from Dot Lake Village Council



Please Comment on the Pogo Gold Mine Draft Environmental Impact Statement and Any of the Draft Permit Decisions contained in the DEIS document

Handwritten comment: For the record Dot Lake Village Council opposes leaving any part of the road intact after the mine closes. The reason for this is the effect it would have on the wild life. When ever you put a road in to the back country you disrupt the natural cycling of wild life.

Please place your comments in the box at tonight's Draft EIS Open House, or send them no later than May 13, 2003 to: Hanh Gold, Pogo EIS Project Manager, US Environmental Protection Agency, 1200 Sixth Avenue (M/S-130) Seattle, WA 98101 Or Gold.Hanh@epa.gov

COMMENT RESPONSE: C1-1 Thank you for your comment.

Native Village of Tanacross Tanacross Village Council PO Box 76009 Tanacross, Alaska 99776-6009

President: Jerry Isaac, Vice President: Roy G. Denny, Members: Alfred Jonathan, Keith Jonathan, Robert F. Paul, Rose Isaac, Ray Sanford, Sr.

April 30, 2003 Hanh Gold NEPA Compliance Coordinator US Environmental Protection Agency 1200 sixth Avenue, OW-130 Seattle, WA 98101

Ed Fogels Alaska Department of Natural Resources 550 West 7th Avenue, Suite 900D Anchorage, AK 99501-3577

Ref: Draft Environmental Impact Statement for Pogo Mine.

Dear Mr. Gold and Mr. Fogels, The following comments reflect those of the Native Village of Tanacross: 1. The authorization for the Millsite lease indicates the road will not be reclaimed after the life of the project. While this isn't really a problem, all of the agency comments and agency justification is based on the road being reclaimed. The authorizations and justifications are okay, but what is actually going to be the final solution. 2. Throughout the permits it indicates there isn't fish habitat, so the state can justify the mixing zone and dissolved oxygen level 2.0 mg/l. The National Marine Fisheries Service, Essential Fish Habitat Assessment indicated 70% of the Chinook spawn below the project area, so does that mean 30% spawn in the project area. Also there is a request for toxicity testing to collect 10 juvenile Chinook from the downstream end of the project, so further assurance that Chinook salmon spawn in the project area. So is the permit justification correct in this area. 3. There is not Tribal/public participation process in Best Management Practices plan approval or implementation.

Attached is a specific list of items which was presented to personnel in attendance at the Public Meeting in Fairbanks on April 30, 2003 If you have any questions or need clarification, please do not hesitate to contact me.

Sincerely, Tricia Waggoner Environmental Manager

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Comments on Pogo Mine Permits

NPDES Permit AK-005334-1

- Page 5 of 30 #8 - the MDL is less than the average monthly limit. So how do you get results which are less than the MDL to average out? | C2-5
- #9 - if less than the MDL than can use 0 in reporting on the average. This can skew the results | C2-6
- Page 6 of 30 #4 0 same as 9 above | C2-7
- Page 7 #4 - The DO for fish is 5 while the DO limit in the permit is 2. What happens when juvenile fish are in the area. | C2-7
- #5 - the DMR reporting level is 50 x higher than the effluent limit. Can this be reconciled | C2-8
- Page 13 #3 - there is an out for POGO to request different MDL's. If requested would this just be approved by EPA and ADEC without public input. | C2-9
- Page 14 #2 - Is EPA region 10 doing the QAPP approval? | C2-10
- #4 - does EPA and ADEC require approval before modifications to the QAPP | C2-11
- Best Management Practices - The implementation plan is not required until 180 days after the NPDES permit is approved. The plant manager and the BMP committee annually review the BMP. Is there any opportunity for consultation on the BMP as this will direct what activities take place? | C2-12
- What is the process for the Tribe to review DMR's if they choose to. | C2-12

NPDES Fact Sheet

- 5 out of 100 years the dam will not maintain | C2-13
- Page 7 - "ADEC has authorized a mixing zone at this location because this location does not support salmon spawning" while in the Essential Fish Habitat documentation, Appendix F.3, A.2-2 - "Chinook salmon spawn, rear and overwinter in a 90-mile reach of river encompassing the project area. Approximately 70 percent...lies below the project site." So does the project area support 30% of the Chinook salmon spawning or not. | C2-14

ADEC Certificate of Reasonable Assurance

- Authorized Mixing Zone of 10:1 dilution for Fecal Coliform, Nitrates, pH, Dissolved Oxygen and Chlorine from Outfall 002. | C2-15
- Appendix C - There isn't a requirement to monitor for thallium. Has thallium been considered an issue? | C2-16

Section 404 Authorization

- No comments

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ADNR Authorizations

- In the Millsite Lease Proposes Decision on page 3 - "...DNR is proposing that the first half of road be open to the public and not be reclaimed and the second half of the road be closed to the public and not be reclaimed." Much of the decision documentation looks at the road being reclaimed. Actual instances noted later. | C2-17
- What is the Soil Absorption System (SAS) | C2-18
- Road Right of Way - | C2-19
 - Who is responsible to maintain the first half of the road for public purposes. | C2-20
 - Page 8 - "because a large portion of the access road would be reclaimed after the life of the mine, the impacts on traditional uses, subsistence used, land uses would be minimal..." not consistent with the Millsite Lease. | C2-21
 - Page 8 - If the road causes increased use of wildlife and fish resources in the area open to public access than the public will be restricted from utilizing these resources. The area will then be managed for people rather than for fish and wildlife. | C2-22
 - Page 11 - "There would be no turnouts." If the road is going to be open to the public with commercial vehicle traffic on the first portion then turnouts should be constructed for safety reasons. | C2-23
 - Page 12 - US Coast Guard Approval for the bridge across the Goodpaster River. What is the status of the Coast Approval. | C2-24
 - Page 12 - Are there any potential impacts from the temporary camps or airstrips? | C2-25
 - Page 13 - "The winter trail will require some clearing and limited re-grading." How much work is anticipated, and will this be reclaimed or left after the clearing and re-grading? | C2-26
 - Page 14 - There isn't a decision on the Bus Terminal/Maintenance facility location yet. | C2-27
 - Page 15 - "Goodpaster River valley, which has been identified as a sensitive area by the Tanana Basin Area Plan due to its unique character, high fish and wildlife values and high recreational use." | C2-28
 - Special Stipulations #11 - Culverts should conform to current technological standards for fish passage (i.e. grayling). There are many instances throughout interior Alaska where culverts are installed and all fish passage is stopped because of culvert design and placement. Monitoring for fish passage on these culverts should be a part of the permit. | C2-29
 - #32 Signage - "...the public should monitor the appropriate CB channel while traveling the road..." Most vehicles do not carry CB radios. How to ensure communication and safety for the public on the open portion of the road. | C2-30
 - Attachment 7 - Both options for the 1st half of the road indicate not reclaimed which is consistent with the Millsite Lease. | C2-31
- Power Line Right of Way
 - The power line goes up an entire tributary of Shaw Creek. Will the clearing for this power line have any effect on the resources of the watershed. | C2-32
- Material Sale
 - Material Site 2 is next to the Tanana River and will be excavated to a depth of 25' and encompass 22.0 acres. | C2-33
- ADEC Waste Disposal Permit
 - Teck Monitoring Plan - Table 4.2-1 - Explain exactly when the Facility Safety Inspection will be conducted. The table says annually with a footnote of "during years when Facility Safety Review is carried out." Which is every three years starting at year three? | C2-33



- o RTP Dam will be visually inspected at least once per week. There should be a stipulation of more inspections during heavy rainfall. | C2-34
- o Table 4.6-6 – no mention of thallium in the parameters. Is thallium a concern. | C2-35

Statutory and Executive Order Compliance Documentation

- USFWS PDEIS review is based on reclamation of the road. | C2-36
- "...we support the proposed reclamation of the access road and power line." | C2-37
- EFH Assessment indicated the project area is Chinook spawning and rearing habitat for about 30% of the Chinook population. While the permits indicate that no fish spawn or rear in the project area. | C2-38

COMMENT RESPONSE:

- C2-1 The text of the proposed millsite lease as referenced in the comment is in error. Appendix D.3 (Proposed ROW Decision) correctly states that "DNR anticipates that the second portion of the road would be reclaimed after the life of the Pogo Mine."
- C2-2 The reference to the absence of fish spawning habitat refers only to the vicinity of the proposed mixing zone below the water discharge point approximately 1,500 ft. downstream of the construction camp (Figure 2.3-1a). There is fish spawning habitat in the Goodpaster River both above and below this site.
- C2-3 See response to comment No. C2-2 immediately above.
- C2-4 Specific stipulations for each of the state permits were included in the preliminary decisions contained in the appendices of the draft EIS, and they were distributed to the Tribes for comment.
- C2-5 This issue will be explained in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.
- C2-6 This issue will be explained in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.
- C2-7 This issue will be explained in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.
- C2-8 This issue will be explained in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.

- C2-9 This issue will be explained in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.
- C2-10 This issue will be addressed in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.
- C2-11 This issue will be addressed in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.
- C2-12 This issue will be addressed in EPA's response to comments with the final NPDES permit, which will be issued after publication of this FEIS.
- C2-13 Comment not understood.
- C2-14 The reference to the absence of fish spawning habitat refers only to the vicinity of the proposed mixing zone below the water discharge point approximately 1,500 ft. downstream of the construction camp (Figure 2.3-1a). There is fish spawning habitat in the Goodpaster River both above and below this site.
- C2-15 Correct.
- C2-16 This issue will be addressed in ADEC's response to comments on the draft Certificate of Reasonable Assurance, and in EPA's response to comments with the final NPDES permit, both of which will be issued after publication of this FEIS.
- C2-17 The text of the proposed millsite lease as cited in the comment is in error. Appendix D.3 (Proposed ROW Decision) correctly states that "DNR anticipates that the second portion of the road would be reclaimed after the life of the Pogo Mine."
- C2-18 The reader is referred to Section 2.3.10 (Water Discharge) for a description of the soil absorption system.
- C2-19 The Applicant would be responsible for maintenance of any segment of the road not open to public use. If a segment of the road were open to public use during mine operations, the State and the Applicant would develop a road maintenance agreement that would define the roles of both entities.
- C2-20 See response to comment No. C2-17 above.
- C2-21 If increased public access were to affect fish and game populations, public use of these resources could be restricted through regulations adopted by the Board of Fish and the Board of Game.
- C2-22 This issue will be addressed in ADNR's final decision for issuance of the ROW, which will occur after publication of this FEIS. If the first 23 miles of road were to be open for public use, then appropriate measures would be taken to responsibly accommodate this use.
- C2-23 The Coast Guard has reviewed and commented on the draft Pogo Mine EIS and requested that additional information be included in the final EIS to insure that its NEPA responsibilities are met. Following publication of



September 2003

Appendix E Response to Comments on DEIS
C. Tribal Written Comments

C-5

the final EIS, the Coast Guard will adjudicate the Applicant's application for approval of its bridge design.

- C2-24 Potential impacts from the mine access road temporary constructing camps and airstrips are discussed on an individual resource basis in Chapter 4 of the document.
- C2-25 The amount of grading and clearing would be minor, and the Applicant would be required to reclaim any disturbed areas by stabilizing the ground and revegetating with appropriate plant species. ADNR has issued permits to the Applicant for use of this trail in the past, and all such activities and disturbances have been properly reclaimed.
- C2-26 ADNR has received public and agency comments on the proposed location of the bus terminal/maintenance facility during the draft EIS comment period and will consider these comments for its final decision for issuance of the competitive land lease, which will be issued after publication of this FEIS.
- C2-27 Correct.
- C2-28 All culverts what would pass fish-bearing waters would require a Title 16 fish passage authorization, and would be inspected and monitored following construction.
- C2-29 This issue will be addressed in ADNR's final decision for issuance of the ROW, which will occur after publication of this FEIS. If the first 23 miles of road were to be open for public use, then appropriate measures would be taken to ensure safety and communication on the road.
- C2-30 Correct.
- C2-31 As a result of comments received on the draft EIS, the Applicant has decided to reroute the power line corridor out of the Sutton Creek drainage and follow the road alignment across the Shaw Creek and Goodpaster divide.
- C2-32 Correct.
- C2-33 This language will be clarified in ADEC's final decision for issuance of the Waste Disposal Permit, which will occur after publication of this FEIS.
- C2-34 This suggestion will be considered in ADEC's final decision for issuance of the Waste Disposal Permit, which will occur after publication of this FEIS.
- C2-35 This issue will be addressed in ADEC's response to comments on the draft Certificate of Reasonable Assurance, and in EPA's response to comments with the final NPDES permit, both of which will be issued after publication of this FEIS.
- C2-36 The USFWS preliminary draft EIS review comments refer to the

Applicant's Proposed Project, which does propose to reclaim the entire mine access road. The draft EIS analyzes that proposed project as well as alternatives, including the Preferred Alternative that would only reclaim the road between Gilles Creek and the mine site.

- C2-37 See response to comment No. C2-37 immediately above.
- C2-38 The reference to the absence of fish spawning habitat refers only to the vicinity of the proposed mixing zone below the water discharge point approximately 1,500 ft. downstream of the construction camp (Figure 2.3-1a). There is fish spawning habitat in the Goodpaster River both above and below this site.