

Chapter 8 Consultation and Coordination

This chapter presents a description of EIS process coordination with Native Tribes, federal and state agencies, non-government organizations, and the public. References in this chapter to specific sections and appendices of this final EIS direct the reader to discussions providing greater detail on particular issues.

8.1 Scoping

On August 11, 2000, the Environmental Protection Agency (EPA) published a Notice of Intent (NOI) to prepare an EIS for the Pogo Mine Project in the *Federal Register*. On the same date, EPA distributed the *Scoping Document for the Pogo Mine Project Environmental Impact Statement* (EPA, 2000), which described the proposed project, the EIS process, and a document preparation schedule. Distribution of the scoping document began a 60-day public and agency review and comment period that ended on October 10, 2000. During this period, EPA invited the public and interested groups to provide information and guidance, suggest issues that should be examined, and express their concerns and opinions on all aspects (past, present, and future) of the proposed project.

EPA hosted two scoping open houses during that period. The first was held on September 26, 2000, in Delta Junction at the Delta Junction Community Center, and the second was held on September 27, 2000, in Fairbanks at the Noel Wien Library. Attendance was 46 and 50, respectively. These open houses served two purposes. One was to listen to and record the public's comments about the proposed project as described in the scoping document. The second was to respond to the public's requests for the background information and hands-on technical assistance that might be needed to fully understand the project description and proposed scope of the EIS analysis before commenting.

A "town meeting" format provided an opportunity for individuals to comment and promoted group interaction. All comments made during the open houses, whether oral or written on comment sheets or flipcharts, were documented as part of the official record. Although people were welcome to make comments and suggestions during the open houses, the record was specifically left open for an additional 13 days to accommodate anyone needing additional time to formulate comments.

Sixty-two sets of comments were received, excluding those received during government-to-government consultations. In five of these cases, individuals gave very similar comments on two or more occasions, usually orally and in writing. Thus, 57 individual sets of nontribal comments were received. Because some written comments were signed by more than one individual or organization, 64 entities actually commented.

On January 30, 2001, EPA distributed a 55-page *Pogo Mine EIS Scoping Responsiveness Summary* (EPA, 2001a). This document described the scoping process, and:

- Included 17 pages of representative public and agency comments as well as 4 pages of tribal comments
- Described how the comments were evaluated
- Listed the 17 issues identified by the scoping comments

- Identified the project's component options to address those issues
- Described how evaluation criteria were developed for the issues and how those criteria would be used to evaluate the component options and identify project alternatives to be analyzed in the EIS
- Discussed activities that would follow the scoping process and identified sources of information
- Presented an EIS / National Pollutant Discharge Elimination System (NPDES) permitting process and time line diagram
- Presented a Draft EIS (DEIS) Table of Contents

8.2 Government-to-Government Consultations

EPA undertook a concerted formal government-to-government consultation effort with 13 Alaska Native tribes potentially affected by the proposed project by virtue of their location (1) within a 125-mile radius of the proposed Pogo Mine site, or (2) within the potentially affected Tanana River watershed. The State of Alaska and the COE also participated in this consultation process. A detailed description of this consultation process is contained in Section 7.13 of this final EIS.

8.3 Federal Agency Consultation

The U.S. Army Corps of Engineers (COE) is a cooperating agency for this EIS and has been an active participant in all aspects of the EIS process. The U.S. Coast Guard, which has authority to issue construction permits for bridges across navigable waters, has been consulted concerning the proposed bridge across the Goodpaster River in the vicinity of the mine (Appendix D.1).

Pursuant to Section 7 of the Threatened or Endangered species Act (Section 7.6), EPA has consulted with both the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (Appendix C.2). In addition, the USFWS provided review under the Bald Eagle Protection Act and the Migratory Bird Protection Act, and the NMFS was consulted concerning identification of essential fish habitat under the Magnuson-Stevens Fishery Conservation and Protection Act (Section 7.7, Appendix C.3).

8.4 State of Alaska Coordination

Because the Pogo Mine project is entirely on state land, the State of Alaska is a cooperating agency for this EIS and has been an active participant in all aspects of the EIS process. The Alaska Department of Natural Resources (ADNR), as land manager in the Pogo project area, is the lead state agency. In addition to ADNR, the Alaska Department of Transportation and Public Facilities (ADOT/PF), the Alaska Department of Environmental Conservation (ADEC), and the Alaska Department of Fish and Game (ADFG) have participated throughout the EIS process.

EPA as lead federal agency, and the COE as a cooperating agency, each participated in consultations with the State of Alaska Historic Preservation Office (SHPO) during the EIS process to ensure compliance with Section 106 of the National Historic Preservation Act (Section 7.5). As a result of these consultations, a programmatic agreement (PA) was developed that defines the procedures for considering historic properties with respect to entire



agency programs, and formalizes the relationships between the various agencies responsible for Pogo project compliance with Section 106. This PA is contained in Appendix C.1 of this final EIS.

8.5 Non-Government Organizations

During the EIS process, the lead and cooperating agencies have maintained contacts and met with several non-government organizations concerned with the proposed action. The purpose of these contacts has been to provide information and obtain input concerning the project to maximize communications with these potentially affected entities.

The State of Alaska has been consulting with the Goodpaster Review Working Group. This group was created by the Tanana Basin Area Plan, the State of Alaska's land use plan for state lands in the Pogo project area, and consists of ten non-governmental organizations and the City of Delta Junction. ADNR is required to consult with this group on land management issues in the Pogo project area, and has been meeting with these groups to gather their input and to keep them informed about permitting and EIS activities.

8.6 Draft EIS Public Comments and Responses

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 have been considered and responded to. 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 discussed above. All public and agency comments, and responses to them, are contained in Appendix E of this final EIS.