THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

ANILCA Implementation Program

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

550 West 7th Avenue, Suite 1430
Anchorage, AK 99501-3561
Main: 907.269-7529
Fax: 907-269-5673

October 13, 2020

Susanne Fleek-Green, Superintendent
Lake Clark National Park and Preserve
P.O. Box 227
Port Alsworth, AK 99653

Dear Ms. Fleek-Green:

The State of Alaska reviewed the Environment Assessment for the North Johnson Tract Right-of-Way Certificate of Access (RWCA). The EA evaluates proposed access to surface and subsurface estate owned by Cook Inlet Region (CIRI) within Lake Clark National Park and Preserve (LACL). CIRI's landownership involves the subsurface estate in the North Tract and both the surface and subsurface estate in the South Tract. The following comments represent the consolidated views of state resource agencies.

Section 1110(b) of the Alaska National Interest Lands Conservation Act (ANILCA) grants State and private inholdings within or effectively surrounded by conservation system units (CSUs) (and other designated areas in Alaska) "such rights as may be necessary to assure adequate and feasible access for economic and other purpose…subject to reasonable regulation…." Department of Interior (DOI) regulations at 43 CFR 36.10 identify the process and criteria for granting such access.

In 2006, the National Park Service (NPS) issued supplemental guidance for issuing NPS Right-of-Way Certificates of Access (RWCA) entitled "Interim User's Guide to Accessing Inholdings in National park System Units in Alaska" (Interim Guide). The Interim Guide illustrates and provides comprehensive guidance to ensure access to the various inholdings located with Alaska CSUs is appropriately granted and does not interfere with the property rights of landowners. The EA's "Purpose and Need" appropriately recognizes the right of access granted to State and private inholders in ANILCA Section 1110(b). We request the DOI implementing regulations at 43 CFR 36.10 and the NPS Interim Guide also be listed in the background and reference sections of the EA.

The EA is consistent with current drilling operations. The proposed stipulation requirements are expected for any project that would have concerns about acid rock drainage. Reasonable standards ensure that no waters from any drilling activities would have adverse impacts on adjacent water bodies. The required testing and monitoring of these sites as detailed in this EA demands the responsibility on the operator to ensure no water quality/environmental degradation is occurring from exploration drilling activities. However, a few related concerns and suggestions are outlined below.

<u>Consultation requirement if artesian conditions are encountered when drilling.</u>
The current language in the EA on page 8 suggests that *"If artesian conditions would be encountered, JTMI would contact the Alaska Department of Environmental Conservation (AKDEC) and the Division*

of Mining, Land, and Water of the AKDNR for advice prior to abandoning the hole and moving the drill."

This scenario suggests waiting for consultation after a problem is encountered. We recommend having the following procedures and definitions in place prior to lease issuance. This gives lease holders clear guidance on how to address artesian conditions and stop contaminated water from flowing to the surface while waiting for consultation.

- "Alaska Best Management Practices: maintaining or decommissioning water well and boreholes" (attached and linked below) gives the following guidance on page 4 which DNR recommends: https://dec.alaska.gov/media/8482/dwp-alaska-bmps-for-decommissioning-water-wells-and-boreholes.pdf

- Definition: "Aquifer (*flowing artesian)* - "When a flowing artesian condition is present in the well, or if there is artesian leakage up around the well casing, the services of a groundwater professional experienced in such matters should be enlisted to design a procedure using inert substances and/or downhole equipment that will result in the complete stoppage of water flow to the surface."

Invasive Species

There are four stipulations related to invasive species that appear to be interconnected. One of these stipulations requires invasive species issues and mitigation to be annually presented while two others outline measures to prevent invasive species as well as an immediate reporting requirement for invasive species. We recommend combining them into a single stipulation.

Drilling Fluids

The stipulation requiring only the use of water as a drilling fluid may not be the best practice. Drilling fluids usually have additives that serve multiple purposes, including lubricating the drilling head and helping to seal fractures in the host rock. One of the most common additives to these drilling fluids is bentonite, which a later stipulation requires to be used as a 6-inch cap over sumps.

The NPS would be better served by stipulating drilling best management practices be followed and requiring that the driller use environmentally friendly additives for Water Based Muds. The NPS should also request a copy of the Safety Data Sheets for any additives to be used in the drill muds.

Sumps

The EA includes stipulations that require the sumps to be unlined and, upon closure, be capped with 6-inches of bentonite clay with the intended purpose of encouraging water runoff and seepage to travel around the sump. This stipulation may be too prescriptive and not allow for the driller to provide a potentially better alternative to prevent sulfide contact with surface and ground waters such as capping with geotextiles.

The EA also requires that sumps be dug into the ground deep enough to retain all drill fluids; however, depending on the terrain and/or soils that the project is drilling in, this may not be practical due to:

- Steepness of terrain

- Permafrost soils preventing the digging of sumps
- Low soil to interface bedrock thickness preventing reaching the required depth

In these situations, it may be more appropriate to allow the driller to use some type of lined container to capture all the drilling fines and cuttings.

The EA references drilling muds several times throughout without defining what the NPS is classifying as drilling muds. This could lead to confusion since drilling muds could refer to the drilling fluid mixture used to drill and/or the fluid that is a byproduct of drilling that has the host rock fines mixed in it. We recommend using a clear definition.

Lastly, we request that the NPS and permittee coordinate with the Alaska Department of Fish and Game Habitat Section regarding Title 16 permit requirements for any in water work in fish bearing streams.

Thank you for this opportunity to comment. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,

Susan Magee
ANILCA Program Coordinator