



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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July 30, 2024
Chad Van Ormer
Regional Forester
U.S. Forest Service

Re: Greens Creeks North Extension Project

Dear Mr. Van Ormer,

The State of Alaska (State) has been an active Cooperating Agency in the development of the Greens Creek North Extension Project's Supplemental Environmental Impact Statement (SEIS) since August 4, 2020. The State agency team, led by the Department of Natural Resources' (DNR) Office of Project Management and Permitting, includes resource agency staff who are both experts in their field and regulators with specific permitting responsibilities. This multi-agency team includes DNR's Division of Mining Land and Water, the Department of Environmental Conservation's Division of Water and Division of Air Quality, as well as the Department of Fish & Game's Habitat Section.

The U.S. Forest Service (USFS) issued the Notice of Intent to prepare an SEIS on October 9, 2020, and the final SEIS and the draft Record of Decision (ROD) on February 2, 2024. The State team participated in numerous meetings with the USFS during this time, providing the necessary input on state-managed resources.

As a Cooperating Agency, the State has read the letter recently sent to the USFS by the Angoon Community Association (ACA). The State is aware that the USFS has conducted government-to-government consultation. The late concerns raised in the ACA letter, particularly the request for "a six-month pause" on the final ROD, are concerning, as it is an unwarranted deviation from the National Environmental Policy Act (NEPA) process and an unreasonable delay for the project.

The SEIS process spanned nearly 4 years, and during this time the State actively engaged as a Cooperating Agency and was a key observer of how the USFS carried out its NEPA responsibilities. From the State's perspective, the NEPA requirements and process were robust and defensible. As such, the State implores the USFS to issue the final ROD without further delay. Regardless of the outcome of the NEPA process for a particular project, it is the federal agency's responsibility to preserve a consistent, predictable and reasonably timely process.

Regarding the Alaska National Interest Lands Conservation Act (ANILCA) concerns, it is important to note that mining activity at Greens Creek on Admiralty Island is provided for in ANILCA Section 503 "With respect to the mineral deposits at... Greens Creek in the Tongass National Forest, the holders of valid mining claims under subsection (f)(2)(B) shall be entitled to a lease (and necessary associated permits)... for mining or milling purposes in connection with the milling of minerals from such claims situated within the Monument...". ANILCA Title V requires the USFS to work to mitigate any impacts from mining, which the USFS has done through the

NEPA process and engagement with regulatory agencies, communities and the public. More specifically, the USFS evaluated project impacts to subsistence as required by ANILCA 810(a) and summarized the determination in Section 3.16 of the Final SEIS, where the USFS determined that none of the alternatives being considered would “significantly restrict” subsistence. The State reviewed and supports the USFS’s determination.

Regarding the Collaborative Integrated Monitoring Panel (CIMP) and future monitoring efforts, the State recommends that the CIMP be comprised of members who have regulatory authority, management authority, and/or land ownership responsibilities to maintain efficient dialogue. It is imperative that the USFS clearly convey that the CIMP is advisory and does not supersede the State agencies’ statutory and regulatory authorities. The state permitting process will provide additional opportunities for public comment. The USFS requirements, in combination with state permit requirements, will provide thorough oversight of the proposed Greens Creek North Extension Project. Furthermore, the development of the CIMP must occur after the ROD, so as not to further delay the USFS decision.

Given the robustness of the NEPA process to date, the State supports the USFS in moving forward with issuing the ROD without delay.

Sincerely,

A handwritten signature in blue ink that reads "Kate Harper". The signature is written in a cursive, flowing style.

Kate Harper
Associate Director
Office of Project Management and Permitting
Alaska Department of Natural Resources

cc: Matthew Reece, USFS
Casey Loofbourrow, USFS
Francis Sherman, USFS