

APMA J20245690 Plan of Operations
RESPONSE TO AGENCY COMMENTS: ALASKA DEPARTMENT OF FISH AND GAME, NOAA, AND DNR DIVISION OF FORESTRY

Item #	Agency and Issue Topic	AGENCY COMMENTS	DMLW Response
1	Division of Forestry - Road Construction	<p>All road construction activities must meet or exceed the DOF road construction standards for Forest Road building in Southeast Alaska. These road standards establish minimum acceptable designs for executing the development of industrial use forest roads throughout SE Alaska that protect the important resources of the Forest and adhere to State regulations. The DOF is responsible for administration of all Forest Road development within the HSRMA to ensure that the Forest Resource Protection Act (FRPA) is met, and the Haines State Forest Management Plan policy is followed.</p> <p>After reviewing the proposed development, the DOF requires the opportunity to modify the applicant proposed road locations as presented, prior to development activities and in consultation with the applicant, to responsibly apply the SE Forest Road Construction Standards to required infrastructure which will provide the access to resources on state mining claims requested.</p> <p>I have attached the SE Forest Road Construction Standards for inclusion in any authorization to ensure compliance with the FRPA regulations for the requested development.</p>	<p>DMLW Response: Comment Noted. The Division has included a special stipulation within the Plan of Operations Approval that requires the construction to Forest Road Standards.</p>

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2	Forestry - Timber Harvest	<p>The DOF requires all timber removal associated with the exploration activities described within the HSFRMA, not for use by the applicant in the development activities, to be managed in a manner that will be determined by the DOF to address impacts to other resources or loss of value to the State. The DOF may require the distribution of non-commercial timber in a method that will prevent the spread of insects and disease. The DOF will require the harvest and placement of commercial timber to provide for the liquidation of those resources as determined in the best interest of the State.</p>	<p>DMLW Response: Comment Noted. The Division has included the following stipulation within the Plan of Operations Approval- Operations under this permit are located within the legislatively designated boundary of the Haines State Forest (AS 41.17.400). Pursuant to 11 AAC 86.145(a)(e), a surface classification or designation of forest lands is prima facie evidence that the property is considered timberlands for the of AS 38.05.255. Prior to clearing, using, or removing timber from the mineral locations the Alaska Division of Forestry shall be contacted for a determination of the timber resources that must be purchased via a timber sale or retained onsite in an approved manner for the State of Alaska's future beneficial use. The Authorized Officer may issue written directives regarding the timber resources in order to implement this subsection and to protect the states' rights and interest in the timberlands. Failure to comply with this condition, a directive, and/or default on timber sale contract issued for compliance with AS 38.05.225(a) shall be a violation under Sec 11 of this authorization. The Division of Forestry requires all timber removal associated with the exploration activities described within the Haines State Forest Resource Management Area, not for use by the applicant in the development activities, to be managed in a manner that will be determined by the DOF to address impacts to other resources or loss of value to the State. The DOF may require the distribution of non-commercial timber in a method that will prevent the spread of insects and disease. The DOF will require the harvest and placement of commercial timber to provide for the liquidation of those resources as determined in the best interest of the State.</p> <p>The Division of Forestry may be reached at 907-766-2120 or greg.palmeri@alaska.gov for more information and to coordinate the implementation of this special stipulation.</p>

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3	Forestry- Annual Meeting	<p>The DOF requests the inclusion in any authorization of a required annual operations meeting with the applicant during the active period of the permit and prior to the start of all groundwork seasonally in the HSRMA. This meeting will establish several target points based on the details provided for the execution of the work in each season allowing collaborative management of the development ensuring regulations and policy requirements are satisfactorily addressed. The meeting will also establish the maintenance standards required for all Forest Roads once construction is completed. When road construction is completed, the applicant is required to enter into a Road Maintenance Agreement with the DOF for commercial Forest Road Use. The agreement will define the necessary maintenance responsibilities of the permittee for the Forest Road Use as described in the permit request addressing the impact of use to the Forest Road system and other resources managed by the DOF within the HSRMA.</p>	<p>DMLW Response: Comment Noted. The Division has included the following stipulation within the Plan of Operations Approval-Annual Project Meeting and Road Maintenance Agreement An annual project meeting with the Authorized Officer, the Division of Forestry, and the permittee will be required during the life of this approval and will occur each year prior to the start of the permittees groundwork within the Haines State Forest or by May 15th, whichever is earlier. This meeting will establish several target points based on the details provided for the execution of the work in each season allowing collaborative management of the development ensuring regulations and policy requirements are satisfactorily addressed. The meeting will also establish the maintenance standards required for all Forest Roads once construction is completed. When road construction is completed, the applicant is required to enter into a Road Maintenance Agreement with the DOF for commercial Forest Road Use. The agreement will define the necessary maintenance responsibilities of the permittee for the Forest Road Use as described in the permit request addressing the impact of use to the Forest Road system and other resources managed by the DOF within the</p>
4	Fish and Game- Klehini Site	<p>This site is mostly within a series of small recent timber sales, referred to as Klehini Beetle harvest area, which has an established network of forest roads. We are not aware of streams or wetlands within the site. To limit disturbance to the regenerating forest and terrestrial wildlife habitat, we recommend using the existing network of forest roads to the maximum extent possible when moving between drill sites.</p>	<p>DMLW Response: Comment Noted. Constantine has carefully laid out their access routes at the Klehini Site to utilize the existing network of roads that are from prior timber harvesting activities. No action required.</p>

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5	Fish and Game-Plateau Site	<p>Portions of this site are within harvest unit U7-02 of the Baby Brown Timber Sale. If possible, we recommend Constantine time road construction and location with timber sale operations to limit disturbance to wildlife. Constantine proposes road construction across Plateau Creek in five locations, not including the use of the existing culvert on the relic forest road. We will work with Constantine on installation of culverts or fords on Plateau Creek and issue Fish Habitat Permits if necessary. In 2023, ADF&G Habitat Section staff surveyed the lower 3,600 ft of Plateau Creek, capturing cutthroat trout throughout and identifying a gradient barrier to anadromous fish; we were unable to complete the survey to document the upper extent of fish presence due to time constraints. Please refer to the attached trip report documenting our surveys on Plateau Creek in 2023. We will fully survey this stream in 2024.</p>	<p>DMLW Response: Comment Noted. The Division has included protective stipulations regarding crossing of Plateau Creek for construction purposes before culverts are installed. Stream Fording: In water fords are subject to the following:</p> <ol style="list-style-type: none"> 1. Overall project activities must be sequenced such that the permittee is limiting the in-water fording of Glacier and Plateau Creek to the maximum extent practicable. 2. Where practicable, the permittee shall utilize log corduroy, geotextile matting, or similar methods to limit the disturbance caused by in water- fording of Plateau Creek and immediately adjacent wetlands to reduce sediment turbidity and stream disturbance. 3. Crossings shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow; avoiding small braided channels within riffles, in areas with large cobbles. 4. Crossings shall be made only at locations with gradual down sloping banks. There shall be no crossings at locations with sheer or cut banks. <p>Except as approved for road and access trail construction, beyond ordinary impact, stream slopes or banks shall not be altered or disturbed in any way to facilitate crossings. Any inadvertent damage to banks or slopes shall be immediately stabilized by recontouring the slope or bank; planting seed or transplanting vegetation (if necessary), to avoid sediment erosion into the stream. Examples of corrective measures include, recontouring soil and replacing vegetation in disturbed sand and gravel areas; covering frozen ground with the vegetation mat or other vegetation, etc. In all cases, avoid causing additional damage. Within the trip completion report, the Permittee shall include location maps, photos and description of corrective measures taken to stabilize affected slopes and banks. Upon inspection, if damage has not been properly corrected, the permittee may be required to reconstruct and revegetate the slopes and banks according to measures</p>

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6	Fish and Game- Noise	<p>Blasting noise has the potential to disturb wildlife. Constantine suggests that such activities will be minimized during sensitive migratory birds nesting seasons, but does not specify a time period. We recommend that Constantine defines the period in the Plan of Operations. The furthest upslope portion of the proposed activity on the Plateau Creek Site is located within modeled brown bear denning habitat and about 1,000 m from modeled mountain goat habitat, both winter (to a lesser extent) and summer habitat (kidding). To reduce possible impacts on goats and bears in the project area, we recommend Constantine time construction and other activities in this area to occur between July 15 and November 15. We encourage Constantine to employ all available methods to reduce noise from blasting.</p>	<p>DMLW Response: Comment Noted. The Division conducted a desktop analysis⁵³ of airblast (noise) based on estimates from the federal Office of Surface Mining and Reclamation Enforcement's Airblast prediction excel. At 1' adjacent to the shot hole, the peak unweighted decibels is less than the open air discharge of a .30-06 rifle commonly used for subsistence and sport hunting. The airblast (noise) attenuates over distance with decibels estimated to drop to around 103(dBA) by 660' distance from the shot. In consideration of the findings of the desktop analysis; these short, intermittent shots are unlikely to cause a civil nuisance or have adverse impacts on wildlife or other nearby land uses. Additionally, the Division calculated the ground peak particle vibration (PPV) caused by the detonation of the largest single charge in a survey line (2 ½ pounds). These ground vibrations are 0 PPV (in/pers second) at 660' and due to the siting of the seismic lines will not impact any resident or anadromous fish that may be present in Glacier, Plateau, or the Klehini River. Some commenters remarked about the use of Ammonium Nitrate/Fuel Oil (ANFO) explosives having adverse effects on water quality and fisheries. ANFO explosives were not requested for use, nor are they authorized by the issuance of the Plan of Operations Approval. In contrast, modern, gelatin-based dynamite sticks used by Constantine will not present any environmental concerns.</p>
7	Fish and Game- Hunting	<p>Black and brown bears use the area, and the hunting season is open through June 30. Hunting season for brown bears, black bears, mountain goats, and moose open in September until the end of October, and the Klehini Valley is a popular area for hunting. Blasting may disturb wildlife and reduce hunter success; in addition to posing risks to hunter safety.</p>	<p>DMLW Response: Comments Noted. See comment above for the Divisions response on blasting. Additionally, the Division has approved limited, temporary public access restrictions during blasting operations. Constantine details a blasting public safety protocol in their Plan of Operations: 3.4.1.4 Public Safety. Before a charge is connected the blaster would confirm that all non-crew personnel are outside of the 330 feet buffer zone, and the blasting apprentice would visually confirm the immediate area is clear of personnel and wildlife. Members of the trained geoscience crew would take guarding positions to ensure that no public, personnel, or wildlife encroaches upon the blast area. Additionally, the general public would be notified through the Haines Borough, advertisements in the Chilkat Valley News, social media posts, and signage present in the work area.</p>

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8	Fish and Game_ General	ADF&G appreciates Constantine's commitments stated in the application on reducing impacts on raptors and migratory birds and implementing of the Bear Management Plan. We request Constantine provide ADF&G a summary of observed furbearer or big game species seen in and around the work area with the locations and dates of observations. Finally, we encourage the applicant to contact ADF&G Division of Wildlife staff if any wildlife-human conflicts occur; in which case, please contact Division of Wildlife Conservation Juneau Area Management Biologist Carl Koch at (907) 465-4266 or carl.koch@alaska.gov.	DMLW Response: Comment Noted. This agency comment and response document will be provided to Constantine. No additional action need.
9	Fish and Game- Plateau Creek site visit report	Site Report	The Division notes that Adf&G provided a site visit report from 2023 to Plateau Creek, documenting creek conditons, the gradient barrier to anadromous fish below the proposed project activities, and locations of cultroat trout capture. The Division reviewed this report and utilized it to determine potential adverse impacts. Due to the fact that the Division has included protective stipulations about Plateau Creek crossings and combined with the fact that ADFG will be working with Constantine regarding culvert placement thus will stipulate any needed designs to protect fish habitat, the Division has determined that work in the project site above the barrier gradient will not cause any adverse impacts to fisheries.
10	NOAA	Thank you for collecting public comments on the application for an approved Plan of Operations for the Palmer Project, a hardrock exploration activity on state lands. While we acknowledge that the Plan of Operations states there are no Federal actions associated with permitting activities proposed in the plan, and therefore there is no NEPA analysis, we are taking this opportunity to highlight potential impacts to essential fish habitat within the scope of the proposed work. Essentialfish habitat (EFH) is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity" in provisions added to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 1996. Section 305(b) of the MSA requires Federal action agencies to consult with the National Marine Fisheries Service (NMFS) on activities that may adversely affect EFH. Though not a requirement, State agencies have a history of coordinating with NMFS to incorporate EFH information and conservation recommendations in projects that may impact EFH.	DMLW Response: Comment Noted.

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		<p>The Palmer Project overlaps with Pacific salmon EFH, defined in the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska, and is EFH for the freshwater life history stages of coho salmon in Glacier Creek according to the ADF&G Anadromous Waters Catalog. Multiple stream crossings at Glacier Creek and Plateau Creek, as well as exploratory drilling, water removal, seismic activities, timber clearing, and road construction in the watershed could have adverse impacts to EFH in both the project area and downstream habitats. While some mitigation measures were identified in the Plan of Operations, not all potential impacts to salmon EFH were addressed.</p> <p>Our report, Impacts to Essential Fish Habitat from Non-Fishing Activities in Alaska, describes several of these actions connected to exploratory drilling, resource development, and road construction, and provides examples of conservation recommendations to avoid, minimize, or otherwise mitigate against adverse effects to fish habitats.</p>	<p>DMLW Response: Comment Noted. The Division has reviewed the referenced document "Impacts to Essential Fish Habitat". and determined the two potential sources of impacts in the report that are most relevant to the activities within the Plan of Operations area are Transportation and Freshwater Use/Inputs. The most significant (yet still di minimis in scope) surface disturbing activities authorized by this Plan of Operation Approval are access road construction is required to meet Alaska Forest Road Standards that mitigate impacts to waterways from sedimentation and hydrologic changes. The instream activities approved in this Plan of Operations are limited to construction-related crossings and installation of culverts in the upper extent of the Plateau Creek, above the anadromous fish gradient barrier identified by the Alaska Department of Fish and Game. The project activities are consistent with all the the pertinent BMPs and mitigation measures suggested within the Transportation section. Likewise, due to the limited water withdrawals needed under this Plan of Operations, the locations of the pump intakes, and the associated DNR (Plan of Ops Approval and Temp Water Use) and ADFG Fish Habitat Permit stipulations; all relevant recomended conservation measures are already being implemented. The Divsion appreciates NOAA's comment and the opportunity to review the report.</p>
		<p>Thank you again for the opportunity to offer comments on the Palmer Project. We will be tracking the project as it progresses and may request an EFH assessment in the future to learn more about proposed actions, their impacts to salmon habitat, and best management practices that Constantine Mining will incorporate to address those impacts. In the meantime Molly Zaleski (molly.zaleski@noaa.gov) is available to answer any questions about our EFH process, mandates, or discuss further actions. To provide additional information or initiate an EFH consultation, please contact the Habitat Conservation Division service account at nmfs.akr.habitat@noaa.gov.</p>	<p>DMLW Response: Comment Noted.</p>