

CHAPTER 6: CONSULTATION AND COORDINATION

6.1 INTRODUCTION

This section summarizes the consultation and coordination with agencies and the public involvement opportunities for the Environmental Impact Statement (EIS), through the preparation of the Final EIS. The U.S. Army Corps of Engineers (Corps) is the lead federal agency for this EIS. Five agencies and six tribes served as cooperating agencies for this EIS and are listed below in Table 6.1-1. Additional information regarding the cooperating agencies is provided in Chapter 1, Purpose and Need.

Table 6.1-1: Lead and Cooperating Agencies

Lead Agency: U.S. Army Corps of Engineers	
Federal and State Agencies	Tribal Governments
Bureau of Land Management (BLM)	Village of Crooked Creek
Pipeline and Hazardous Materials Safety Administration (PHMSA)	Native Village of Napaimute
U.S. Environmental Protection Agency (EPA)	Native Village of Chuathbaluk assisted by the Center for Science in Public Participation
U.S. Fish and Wildlife Service (USFWS)	Village of Aniak
State of Alaska	Knik Tribe
	Akiak Native Community assisted in part by the Kuskokwim River Watershed Council

The Corps hosted frequent meetings with the cooperating agencies from 2012 to 2018. These meetings provided updates and solicited input on draft technical documents and chapters of the EIS. Some meetings included presentations by Donlin Gold or their contractors for baseline information or project description.

The cooperating agencies were also invited to participate in several workshops to discuss technical issues, develop alternatives, discuss data gaps, and review potential mitigation.

- Barging Technical Work Group, April 15, 2013.
- Technical Work Session on Surface and Subsurface Water Hydrology, April 15-16, 2013.
- Technical Work Session on Geochemical Characterization and Water Quality Prediction, June 4, 2013.
- Fisheries and Aquatics Technical Work Session, June 24-25, 2013.
- Technical Workshop: Visual Resource Management and Lands with Wilderness Characteristics, July 9, 2013.
- Alternatives Development Workshop Number 1, July 12, 2013.

- Alternatives Development Workshop Number 2, August 8, 2013.
- Alternatives Approval Meeting, March 12, 2014.
- Data Gap Workshop, April 23, 2014.
- Technical Discussion on Mine Water and Tailings Storage Facility, December 12-13, 2016
- Technical Discussion on Barge Transport, December 14, 2016
- Technical Discussion on Mercury, December 15, 2016
- Mitigation Workshop Number 1, July 15-16, 2015.
- Mitigation Workshop Number 2, May 11-12, 2017

Outside of the regular cooperating agency meetings and workshops, the Corps also met with cooperating agencies ad hoc when there were specific issues or concerns to discuss within that agency's jurisdiction. For example, the Corps met with the BLM to discuss concerns of the Iditarod National Historic Trail, which is managed by the BLM.

6.2 TRIBAL COORDINATION AND GOVERNMENT-TO-GOVERNMENT CONSULTATION¹

The Corps identified 66 federally recognized tribes potentially affected by the project (see Appendix P). Consistent with its policies concerning government-to-government consultation with tribes in the EIS Analysis Area, on September 24, 2012 the Corps sent a letter of notification and inquiry to the 66 tribes offering the opportunity to participate in formal government-to-government consultation, to participate as a cooperating agency, or to simply receive information about the project. The letters also included a Tribal Coordination Plan for the development of the Donlin Gold Project EIS. The Corps requested information from the tribes on the following topics: subsistence, archaeological sites, and traditional cultural properties as well as special expertise regarding any environmental, social and/or economic impacts. A copy of the letter, questionnaire, and policy is included in the Scoping Report (Appendix B).

A summary of consultation efforts by the Corps is provided below. Discussions with potentially affected tribal governments continued throughout the course of the project.

- An initial teleconference for tribes was held on October 30, 2012. Twelve representatives from eight tribes participated.
- The Corps made a presentation to 30 tribal leaders at the BIA Providers' Conference on November 29, 2012.
- Another teleconference with tribes was announced through email to all 66 tribes and held on December 12, 2012.
- The Corps sent reminder email messages to all affected tribes on February 13, 2013 and March 25, 2013 regarding the scoping period, encouraging the tribes to submit comments before the closing date of March 29, 2013.

¹ The phrase "tribal coordination" refers to interaction at the staff level. The phrase "Government-to-Government Consultation" refers to meetings between Tribal Leadership and the Alaska District Engineer (Colonel).

- The Corps made a presentation to a tribal audience and spoke with tribal members at the Orutsararmiut Native Council meetings in Bethel on May 22-23, 2013.
- The Corps met with tribal cooperating agencies several times during the planning of the Donlin Subsistence Technical Working Group meetings, which were held November 5-7, 2013 in Aniak.
- The Corps held a teleconference for tribes and Alaska Native corporations on August 20, 2014 to discuss Section 106 of the National Historic Preservation Act (NHPA) and to invite tribes and corporations into the process for the Donlin EIS. Mailings with the invitations to this meeting were dated July 30, 2014. The invitations were sent to the 66 federally recognized tribes and several village and regional Alaska Native corporations.
- The Corps met with tribes and cooperating agencies at the Donlin EIS Traditional Ecological Knowledge Subsistence Technical Working Group, which was held on March 26-27, 2014 in Anchorage.
- In September 2016, the Corps re-initiated the process for the NHPA Section 106 Programmatic Agreement, with an invitation to consult. The invitations were sent to 66 federally recognized tribes and several village and regional Alaska Native corporations. Two initial meetings were held with consulting parties: October 4, 2016 in Anchorage, and November 21, 2016 in Bethel. After collecting input from the consulting parties, a draft Programmatic Agreement was circulated May 10, 2017 for consulting party review and comment. The Final Programmatic Agreement is included as Appendix Y.
- Through October 2017, the Corps had held staff level government-to-government tribal coordination meetings regarding the Donlin Gold Project with several tribes, per tribal request or when the Corps felt it was necessary (e.g., leadership changes).

The BLM conducted a separate government-to-government inquiry regarding the project. The BLM sent a letter of notification to the 66 tribes listed in Appendix P, offering the tribes the opportunity to participate in formal government-to-government consultation with the BLM, apart from the Corps. The letters were sent on August 19, 2014.

6.3 SCOPING AND PUBLIC OUTREACH

NEPA requires “scoping” which is described in 40 CFR 1501.7 as “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action, the process shall be termed scoping...” A Public Involvement Plan was developed prior to scoping to provide the basis for the Corps and the cooperating agencies to provide guidance for the public outreach activities.

6.3.1 SCOPING NOTICE

The Corps published a Notice of Intent to prepare the Donlin Gold Project EIS in the Federal Register on December 14, 2012. The project website www.DonlinGoldEIS.com was launched the same day to explain the NEPA/EIS process, and how to participate. While most residents of the Yukon-Kuskokwim (Y-K) Delta do not have internet access at home, nearly all of the tribal councils, cities, and village corporation offices use the internet on a daily basis. In addition, the website provided a schedule, newsletters, presentations, and project background materials such

as Donlin Gold permit application materials. The first project newsletter, the major communication tool, was sent that week, announcing the scoping period and encouraging participation. Project newsletters were delivered to a list of 1,000 stakeholders and 7,450 mailbox holders in the Y-K Delta Project Area. The first newsletter contained a self-mailing comment form. Other ways to submit comments included a comment form on the website, email, post, fax, or speaking at a public meeting.

The formal scoping period was longer than required by NEPA, extending from December 14, 2012 to March 29, 2013. Several public techniques were used to notify the public of the project, EIS, and scheduled public scoping meetings in order to solicit public comment. The Corps placed advertisements in the Anchorage Daily News, Delta Discovery, and Tundra Drums print and online editions. Public service announcements aired on KSKA, KYUK, and KSKO radio. A special call-in radio show was hosted on KYUK public radio in Bethel on January 14, 2013, the day of the public scoping meeting in Bethel. The Corps provided brief comments and then responded to questions, assisted by a Yup'ik translator, for an hour. The Corps also distributed public notices via press release, email, and flyers (faxed and mailed for community distribution).

6.3.2 PUBLIC SCOPING MEETINGS

The Corps adopted a strategy for the Donlin Gold Project EIS scoping meetings that emphasized distribution of the meetings across the entire EIS Analysis Area. The Association of Village Council Presidents (AVCP) region is divided into 10 sub-regions. A scoping meeting was planned for each AVCP sub-region, along with a meeting in Crooked Creek, the village closest to the Mine Site. Holy Cross and McGrath were chosen as scoping meeting sites due to their connections to the mine and the proposed pipeline route, along with Anchorage. This resulted in a total of 14 public scoping meetings, held January through March 2013 (Table 6.3-1).

To provide access to the scoping meetings for residents of the EIS Analysis Area who were not able to travel to the host village meeting site, the Corps planned for each meeting to be available via teleconference. In several cases this was feasible, but in some meeting locations, there was no telephone line in the meeting venue. Thus, the Corps sought to provide the best possible opportunity for residents throughout the EIS Analysis Area to participate in scoping using ancillary means of communication such as a newsletter to invite comments, and a website with an online comment form. Taken together, these tools provided a wide invitation and diverse opportunities to provide comments.

The scoping meeting format and the information presented was the same at each public meeting. A court recorder was present at each scoping meeting to document comments in a transcript of the meeting. During the first half-hour of the open house session, attendees had the opportunity to view informational posters and maps. The Corps, cooperating agency representatives, and EIS team representatives were available around the room to answer questions. During the more formal portion of the meeting, the Corps made a presentation with PowerPoint slides. Where appropriate, based on prior planning discussions with community leaders, the EIS team employed a Yup'ik language translator for the meeting. The presentation described the Donlin Gold Project and history, provided an introduction to the EIS process, and introduced some potential areas of concern, as a basis for discussion. The public question and comment period followed.

Table 6.3-1: Scoping Meetings, Dates and Locations

Location	Date	Time & Place
Bethel	January 14, 2013	6:00 pm, Yup'it Piciryarait Cultural Center
Aniak	January 15, 2013	6:00 pm, Aniak High School
Crooked Creek	January 16, 2013	6:00 pm, Tribal Council Office
Anchorage	January 22, 2013	6:00 pm, Wilda Marston Theatre
Nunapitchuk	January 30, 2013	1:00 pm, Bingo Hall
Akiak	January 31, 2013	1:00 pm, Community Center
McGrath	February 15, 2013	4:30 pm, McGrath Native Village Council Office
Hooper Bay	February 26, 2013	1:00 pm, Tribal Council Office
Toksook Bay	February 27, 2013	1:00 pm, Bingo Hall
Quinhagak	February 28, 2013	1:00 pm, Qanirtuuq Village Corporation Office
Saint Mary's	March 13, 2013	6:00 pm, City Hall
Emmonak	March 14, 2013	6:00 pm, City Complex
Holy Cross	March 20, 2013	6:00 pm, Community Hall
Kipnuk	March 22, 2013	1:30 pm, Kipnuk High School

Comment forms were available at the meetings so that attendees could submit written comments during the meeting or mail them at a later date. Translated comments were captured in the meeting transcripts. The EIS team made an effort to use specialized vocabulary that had been established to help communicate about technical mining issues in Yup'ik.

The scoping meetings were well attended, with a total attendance of 468 persons in the 14 meetings and oral comments offered by 134 persons. The EIS team made informal outreach calls to tribal, corporation, and city leaders in the neighboring villages, as well as the host village. The purpose was to alert the leaders to the EIS and provide information about the scoping meetings. In addition, Donlin Gold provided travel support (charter flights or gas money for snowmachines) to representatives of the tribe, city, or village corporation in the neighboring villages, so they could attend the scoping meeting in their sub-region. Tribal representatives from each community, not Donlin Gold, determined who should attend the meetings. For example, at the Aniak meeting, representatives from Kalskag and Russian Mission were able to attend. In Anchorage, representatives from Tyonek were able to attend. In total, representatives from 21 neighboring villages were able to attend the scoping meetings held in the 14 host communities for a total of 35 villages participating in person, as shown in Table 6.3-2, and displayed on Figure 6.3-1.

Table 6.3-2: Donlin Gold Project EIS Scoping Meeting Attendance

Host Village	Additional Villages	Estimated Attendance	Persons Making Comments
Bethel	Napaimute	57	24
Aniak	Chuathbaluk, Napaimute, Kalskag, Russian Mission	41	13
Crooked Creek	N/A	37	5
Anchorage	Tyonek	59	15
Nunapitchuk	Kasigluk, Atmautluak	21	6
Akiak	Kwethluk, Tuluksak, Quinhagak	36	9
McGrath	N/A	10	6
Hooper Bay	Chevak	33	7
Toksook Bay	Newtok, Nightmute	50	11
Quinhagak	Eek, Goodnews Bay, Platinum	45	14
St. Mary's	Andreafsky	22	10
Emmonak	N/A	5	3
Holy Cross	Anvik	14	4
Kipnuk	Tuntutuliak, Chefornak, Kongiganak	38	7
Totals:	35 villages	468 attendees	134 commenters

6.3.3 AGENCY SCOPING MEETING

To gather agency input regarding scoping issues, alternatives, and information sources, an Agency Scoping Meeting was held on February 6, 2013 in Anchorage. The participating agencies included:

- U.S. Department of Interior, Bureau of Land Management
- U.S. Department of Interior, Fish and Wildlife Service
- U.S. Environmental Protection Agency
- Alaska Department of Natural Resources
- Alaska Department of Fish and Game
- Alaska Department of Health and Human Services

Tribal governments that participated in the Agency Scoping Meeting included the Village of Crooked Creek, Native Village of Chuathbaluk, and Native Village of Napaimute. Agencies submitted scoping comments that were compilations of comments from resource specialists. Documentation of agency comments and the contents of the Agency Scoping Meeting can be found in the Scoping Report in Appendix B.

6.3.4 COMMENTS RECEIVED DURING SCOPING

Participation in the scoping process was widespread, with many hours of questions and testimony, along with many written submissions (including email). Participants in the scoping meetings included elders who spoke with great passion about the values of the land, the rivers, the fish and wildlife, and the opportunities for their children and grandchildren to continue the Yup'ik way of life and the subsistence traditions. Many village leaders are very experienced in environmental management issues and spoke in detail about their concerns regarding air emissions, mercury and cyanide contamination, barge traffic, boom and bust impacts on communities, and climate change. Public comments during scoping meetings were recorded as transcripts, and used to identify specific comments for documentation in the scoping process.

During the scoping period, the Corps received 164 unique submissions. No form letters were received. Of these 164 submissions, 14 were transcripts of public meetings, which included oral comments from 134 persons who commented at the meetings. These submissions were reviewed in order to identify individual substantive comments; this review generated 2,619 substantive comments, which were then grouped into 438 Statements of Concern, which summarize scoping comments. The Statements of Concern are summary statements capturing a single substantive point that may have been expressed in a number of individual comments. A full summary of the scoping process and issues and concerns raised during scoping are found in the Scoping Report posted on the project website (www.DonlinGoldEIS.com) and included as Appendix B of this EIS.

Issues and concerns with this project are grouped into distinct impact topics to aid in analyzing environmental consequences. This allows for a comparison of alternatives based on the most relevant information. The impact topics were identified on the basis of public comment; federal laws, regulations, and policies; and knowledge of potentially affected resources. Key issues were identified that focused on certain aspects of the physical, biological, and social environments, as described in Chapter 1. A second newsletter was distributed in August 2013 that summarized the results of scoping.

6.3.5 ADDITIONAL PUBLIC OUTREACH

As opportunities arose, the Corps provided project overview and update presentations to stakeholder groups by request. The goal of these updates was to keep communities and stakeholders involved and interested in the time between the scoping period and the release of the Draft EIS, a period of approximately two and a half years from April 2013 to November 2015.

From August 2014 to October 2015, AECOM's Senior Specialist in Rural Community Engagement made monthly visits to the Y-K region to meet with villages and tribal representatives. Typically, AECOM gave an update of the EIS process, and had discussions about specific issues of concern and answered questions.

A list of supplemental outreach presentations and tribal meetings can be found below in Table 6.3-3.

Table 6.3-3: Supplemental Outreach Efforts

Statewide Meetings	Date	Location
Alaska Forum for the Environment	February 12, 2015	Anchorage
Alaska Native Village CEO Association Conference	April 1, 2014	Anchorage
Bureau of Indian Affairs Rural Providers Conference	November 29, 2012 December 3, 2013 December 4, 2014 December 3, 2015	Anchorage
Regional Meetings		
Association of Village Council Presidents	October 9, 2013 ¹	Bethel
Eastern Interior Federal Subsistence Regional Advisory Council (RAC)	March 7, 2014	Teleconference
Kuskokwim Area Interagency Fisheries Meeting	March 19, 2013	Anchorage
Kuskokwim River Watershed Council	September 26, 2014 ¹	Aniak
KYUK Radio Interview	July 16, 2014	Bethel
Orutsarmiut Native Council (ONC) Regional Environmental Summit	May 23, 2013	Bethel
Southcentral Federal Subsistence RAC	March 13, 2014 October 16, 2014 ¹	Anchorage Kenai
Tanana Chiefs Conference, Upper Kuskokwim Sub-region	March 9, 2014	McGrath
Western Interior Federal Subsistence RAC	February 26, 2014 October 29, 2014 ¹ November 4, 2015 ¹	Teleconference McGrath
Yukon-Kuskokwim Delta Federal Subsistence RAC	November 13, 2013 October 15, 2014 October 7-8, 2015 ¹	Bethel
Yup'it Nation Annual Meeting	August 22, 2014 ¹	Akiachak
Village Meetings		
Crooked Creek Tribal Council Office	July 1, 2014 ¹ August 19, 2014 ¹ November 17 and 18, 2014 ¹ March 18, 2015 ¹	Crooked Creek
Chuathbaluk Traditional Council Meeting	July 16, 2015 ¹	Chuathbaluk
Georgetown Tribal Council Annual Meeting	July 19, 2014	Georgetown
Kalskag Tribal Council Office, Lower Kalskag	June 18, 2014 ¹ June 9, 2015 ¹	Lower Kalskag
Sleetmute Tribal Council Office	July 24, 2013 ¹ June 29, 2015 ¹	Sleetmute
Stony River Tribal Council and Community Meeting	November 19, 2014 ¹	Stony River

Notes:

Presentations were given by Corps staff.

¹ Presentations given by AECOM staff when Corps staff were unavailable.

In addition to outreach meetings, the third project newsletter was sent in July of 2014, and summarized the range of alternatives that would be addressed in the EIS and how the Corps developed them. The fourth newsletter was sent in March of 2015 and introduced topics and key issues that would be addressed in the Draft EIS. The key issues in the fourth newsletter were determined by the subjects that were of the highest concern from the scoping period.

6.4 THE DRAFT EIS AND PUBLIC COMMENT

On November 25, 2015, the Alaska District, U.S. Army Corps of Engineers (Corps) published a Special Public Notice regarding the release of the Draft EIS. Paper copies of the Draft EIS were sent to the agencies listed in Chapter 8, as well as public libraries. Paper copies of the Executive Summary with a DVD containing the entire Draft EIS were widely distributed to tribes, cities, and organizations in Alaska. DVDs were available for any member of the public that requested one, and the entire document was available for download on the project website. An introduction to the Draft EIS was also translated into Yup'ik and recorded orally as a podcast for broadcast on local radio in the project area, and could be downloaded or listened to online, or available on CD.

6.4.1 PUBLIC COMMENT COLLECTION

The Special Public Notice regarding the comment period featured a 157-day comment period that began on November 25, 2015 and was scheduled to end April 30, 2016. Given the receipt of multiple requests to extend the comment period on the Department of the Army Permit Application and/or the Draft EIS, the Corps extended the public comment period to May 31, 2016. During the comment period the public could mail, email, or fax comments to the Corps.

During the public comment period, 17 public meetings were held (listed in Table 6.4-1) in the same locations as the scoping meetings, with the additions of Tyonek, Lower Kalskag, and Chuathbaluk (Figure 6.4-1). For those who were not able to travel to a host village meeting site, each meeting was available via teleconference. The meetings consisted of a presentation of the Draft EIS findings by the Corps followed by a presentation of the Draft ANILCA Section 810 Analysis by the BLM. Any person in attendance in person or via teleconference call was given the opportunity to give comments orally following the presentations. The public meetings were recorded and transcribed by a court reporter to ensure that all comments were captured. Comment forms were also handed out for the collection of written comments. Where appropriate, based on prior planning discussions with community leaders, the EIS team employed a Yup'ik language translator for the meetings.

At each meeting AECOM provided experts on the biological, physical and social impacts of the project, who were also knowledgeable about the project itself. Twelve descriptive posters were on display to illustrate the draft impacts on resources of concern to residents. Time was allotted at each meeting for a poster session, when attendees could informally pose questions and discuss draft impacts one-on-one with the various subject matter experts.

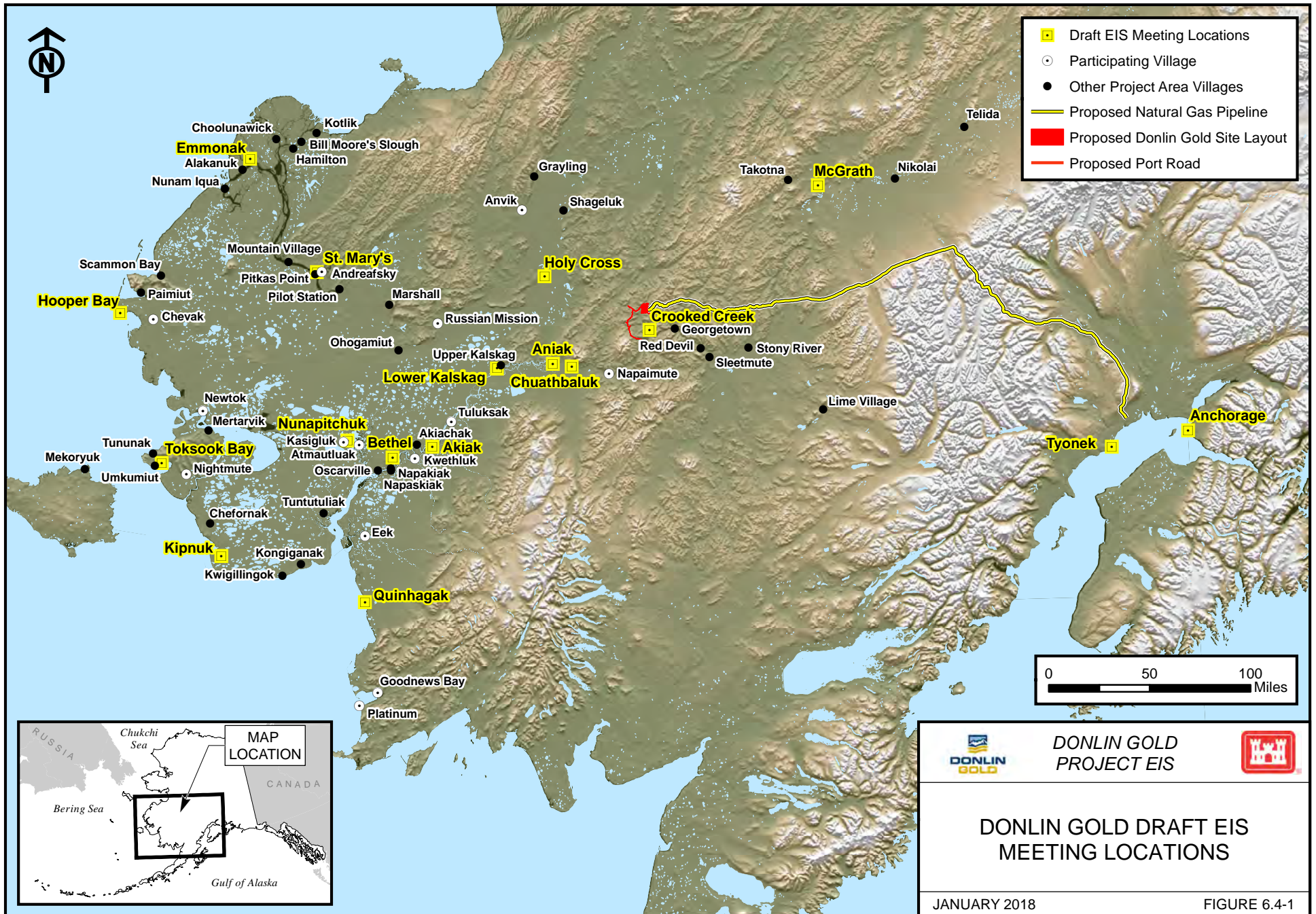


Table 6.4-1: Draft EIS Meetings, Dates and Locations

Location	Date	Time & Place
Aniak	January 20, 2016	6:00 pm, Large Community Hall
Crooked Creek	January 21, 2016	6:00 pm, Tribal Council Office
Anchorage	January 28, 2016	6:00 pm, Egan Center
Bethel	February 1, 2016	6:00 pm, Yup'it Piciryarit Cultural Center
Akiak	February 2, 2016	2:00 pm, Community Center
Quinhagak	February 16 2016	1:00 pm, Bingo Hall
Kipnuk	February 17, 2016	1:30 pm, Kipnuk High School
McGrath	February 26, 2016	3:00 pm, McGrath Native Village Council Office
Saint Mary's	March 1, 2016	6:00 pm, City Hall
Emmonak	March 2, 2016	6:00 pm, City Complex
Toksook Bay	March 15, 2016	1:00 pm, Multipurpose Room
Hooper Bay	March 16, 2016	1:00 pm, Tribal Council Office
Nunapitchuk	March 17, 2016	1:00 pm, Community Building
Tyonek	March 25, 2016	1:00 pm, Native Village Office Building
Lower Kalskag	April 5, 2016	1:00 pm, Community Hall
Holy Cross	April 6, 2016	1:00 pm, Community Hall
Chuathbaluk	April 11, 2016	1:30 pm, School Gym

The Draft EIS meetings were well attended, with a total estimated attendance of 1,004 persons in the 17 meetings and oral comments offered by 204 persons. As with the scoping meetings, the EIS team made informal outreach calls to tribal, corporation, and city leaders in the neighboring villages, as well as the host village to alert the leaders and provide information on the meetings. Donlin Gold provided travel support (charter flights or gas money for snowmachines) to representatives of the tribe, city, or village corporation in the neighboring villages, so they could attend the meeting in their respective sub-region. Tribal representatives from each community, not Donlin Gold, determined who should attend the meetings. Representatives from 28 neighboring villages were able to attend the Draft EIS meetings held in the host communities, as shown in Table 6.4-2. Any comments on the BLM portion of the program were considered for the Draft EIS as well, and so numbers of commenters include those made toward the BLM ANILCA Section 810 Analysis.

Public comments regarding the Draft EIS were received as oral and written testimony at the public meetings, and as written comments received through postal mail, email, and fax. Comments were submitted by individual citizens as well as groups, including federal agencies, tribal governments, state agencies, local governments, businesses, special interest groups, and non-governmental organizations.

Table 6.4-2: Donlin Gold Project EIS Draft EIS Public Meeting Attendance

Host Village	Additional Villages	Estimated Attendance	Persons Making Comments
Aniak	Chuathbaluk, Georgetown, Kalskag, Napaimute	80	22
Crooked Creek		47	8
Anchorage	Georgetown, Kalskag, Napaimute, Nikolai, St. Mary's	165	43
Bethel	Georgetown	83	26
Akiak	Akiachak, Kwethluk, Tuluksak	85	21
Quinhagak	Eek, Platinum	79	13
Kipnuk	Kongiganak, Tuntutuliak	135	10
McGrath	Nikolai, Telida	35	4
Saint Mary's	Andreafski, Marshall, Pilot Station, Pitkas Point	28	4
Emmonak		30	5
Toksook Bay	Nightmute	33	8
Hooper Bay	Chevak, Scammon Bay	40	8
Nunapitchuk	Atmautluak, Bethel, Kasiguluk	35	9
Tyonek		26	6
Lower Kalskag	Russian Mission,	20	3
Holy Cross	Anvik	35	4
Chuathbaluk	Grayling, Stony River	48	10
Totals:	28 villages	1,004 attendees	204 commenters

Meeting materials were made available on the project website, including the presentation, posters, and complete transcripts. A fifth newsletter was sent in December of 2015 that gave an outline of the Draft EIS contents, explained how to provide comments, and listed where public meetings would be held.

6.4.2 DRAFT EIS COMMENTS RECEIVED

During the public comment period, the Corps received 529 unique submissions. Three form letters were received. Of these unique submissions, 17 were transcripts of the public meetings. A review generated over 5,000 substantive comments, which were then grouped into Statements of Concern. The Statements of Concern are summary statements capturing a single substantive point that may have been expressed in a number of individual comments. Each Statement of Concern (and through extension, each individual comment) was acknowledged, and a response was written. Changes to the document were made as appropriate to address concerns. A full summary of the comment analysis process, all Statements of Concern, and how each Statement of Concern is addressed in the Final EIS can be found in the Comment Analysis Report, Appendix X, as well as posted on the project website. Newsletter number six was sent in November of 2016, and summarized the major themes from the comment analysis process.

The seventh and final newsletter was sent in March 2018 announcing the release of the Final EIS.

6.5 BIOLOGICAL ASSESSMENTS

Additional agency consultation is required if there may be impacts to a resource under the jurisdiction of an agency outside of the lead agency. The Donlin Gold Project has the potential to impact threatened or endangered species protected under the Endangered Species Act (ESA), and therefore required consultation with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Biological Assessments (BAs) were developed and the Corps requested initiation of informal consultation to the USFWS and NMFS on August 18, 2017. Five species under ESA jurisdiction of USFWS are evaluated in a BA on the potential and magnitude of effect of activities to each of the listed species (Owl Ridge 2017a); the BA and the USFWS Letter of Concurrence (November 2017) are included in Appendix O. Eight species under ESA jurisdiction of NMFS are evaluated in a BA on the potential and magnitude of effect of barging activities to each of the listed species (Owl Ridge 2017b); the BA and the NMFS Letter of Concurrence (March 2018) are included in Appendix O. With receipt of the Letters of Concurrence the consultation process is concluded.

6.6 ESSENTIAL FISH HABITAT ASSESSMENT

Additional agency consultation is required if there may be impacts that potentially affect Essential Fish Habitat (EFH) for the species regulated under a federal Fishery Management Plan (FMP). Under the Magnuson-Stevens Act, each FMP must describe and identify EFH for the fishery, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. Federal agencies must consult with NMFS regarding any action they authorize, fund, or undertake that may adversely affect EFH, and NMFS must provide conservation recommendations to federal and state agencies regarding any action that would adversely affect EFH. The Donlin Gold EIS had the possibility to affect EFH for five species of Pacific salmon that could occur within the Project Area, including Chinook, sockeye, coho, chum, and pink salmon. The EFH Assessment (Owl Ridge 2017c) and the EFH conservation recommendation letter from NMFS, November 2017, are included as Appendix Q. With receipt of the conservation recommendation letter, the consultation process is concluded.