

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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March 29, 2013

Don Kuhle
U.S. Army Corps of Engineers
P.O. Box 6898
Joint Base Elmendorf Richardson, Alaska 99506-0898

Dear Mr. Kuhle

Re: Donlin Gold EIS State of Alaska Scoping Comments

The State of Alaska has reviewed the Notice of Intent to prepare a Draft Environmental Impact Statement to identify and analyze the potential impacts associated with development of the proposed mine as well as several resource documents provided by U.S. Army Corps of Engineers and Donlin Gold. This letter represents the views of the State of Alaska's resource agencies.

DEC

Air

Page 3-187, section 3.3.3, paragraph two: The discussion in paragraph 2 should also include a breakout of summer temperature trends since they have a direct effect on glacial melt and stream flow.

Page 3-183, section 3.4.1, sentence two: There are no permitted sources of air pollution in the immediate vicinity of the proposed project's FSA, support facilities, Donlin-Jungjuk Road, or Jungjuk Port site, or that portion of the natural gas pipeline located within the Kuskokwim River watershed. A department AQ ORL permit is in effect on the Donlin Gold project – AQ0934ORL01. While, technically speaking, an ORL is not a permit, it may be more accurate to change the wording to something like the following: "Other than the existing exploratory camp facilities, there are no anthropogenic sources of air pollution in the immediate vicinity of..."

Page 3-184, section 3.4.3: The nearest Class I air shed is the Denali National Park and Preserve. Another Class I Air Quality Classification area with a close proximity to the project is Tuxedni National Wildlife Refuge. The terminus of the pipeline, in particular, will be geographically close to this Class I area.

Because the entire proposed project lies within a Class II air shed relevant pollutant concentrations over a baseline (background) for new major sources would be limited to values presented in Table 3.4-2. Class I or Class II increments for the PSD-triggered pollutants that have increments are the only demonstrable compliance needs. There is no showing requirement for pollutants that only trigger a minor permit threshold. The department is also not yet aware whether or not Donlin Gold LLC (Donlin) will be required to demonstrate compliance with the Class I increments at Denali. When dealing with Class I/II increment analysis, the baseline concentrations are not necessarily the "background" concentrations measured by the applicant. Donlin's data is probably a good surrogate in this case, but in this statement, "background" and "baseline" should not be used synonymously. At a minimum, this sentence should be rewritten to read, "The increase in pollutant levels within the immediate Class II area may not exceed the values presented in Table 3.4-2.", or similar wording. The air quality in both the Cook Inlet and South Central Alaska Intrastate Air Quality Control Regions meets all State of Alaska and federal standards for criteria pollutants. The area is actually "unclassified" with respect to the criteria pollutants.

Page 3-184, section 3.4.4, paragraph one: There are no portions of the regions that are defined by the USEPA as being in nonattainment with regard to criteria pollutants, indicating that concentrations of these pollutants are below those deemed to be protective of human health. It would be better to delete this phrase. While the stated case is likely, EPA has never designated them as "attainment." Areas are designated unclassifiable because the department and/or EPA does not have data to designate one way or the other.

Page 3-185, section 3.4.4, table 3.4-3: Under the column heading, “Background Concentration in Cook Inlet Region ($\mu\text{g}/\text{m}^3$)”, the values for the annual (33) and the 24-hour (6.5) PM-10 numbers are transposed.

The ambient background pollutant concentrations were collected as part of an approved Prevention of Significant Deterioration program. ADEC noted in 2008 that “[w]hile the data is becoming outdated it does still adequately represent” conditions in Cook Inlet. Alaska Department of Environmental Conservation 2008a). This is likely a broader interpretation than the original statement. It is unclear which document is referenced in this statement. This is due to a relative lack of new development in the region; it should also be noted that two large industrial facilities (the Agrium fertilizer plant and the Conoco-Marathon liquefied natural gas plant) have closed in the Cook Inlet Region since 2008. This phrase should be deleted. The presented data is from the west side of Cook Inlet (Beluga). These sources were on the east side of Cook Inlet. It's unlikely that their impacts were even measured at the Beluga monitoring station.

Page 3-186, section 3.4.4, table 3.4-4: Under the respective column headings, “Averaging Period”, “Measured Concentration at Donlin Gold Exploration Camp ($\mu\text{g}/\text{m}^3$)” and “NAAQS ($\mu\text{g}/\text{m}^3$)” for SO_2 . This is misleading since the maximum 1-hour concentration cannot be compared to the NAAQS in a regulatory analysis. Donlin should only present concentrations in the form of the standard e.g., the mean 99th-percentile 1-hour SO_2 concentration. Same comment for 1-hour NO_2 . There are also cleaner ways to structure this table, which would make it easier to read -- for example, combine cells with identical information (e.g., “ SO_2 ”). (As referenced on).

Under the column heading, “NAAQS ($\mu\text{g}/\text{m}^3$)”, the value for the PM 2.5 annual standard is incorrectly given as $15 \mu\text{g}/\text{m}^3$. The correct value is $12 \mu\text{g}/\text{m}^3$. (As referenced on page 3-186, section 3.4.4, table 3.4-4).

Tank Farm and C-Plan

Overall Comment: The C-Plan does not discuss where recovered fuel and fuel/water mix will be temporarily stored until disposal.

Section 2.1.6 Maintenance and Inspections does not list required weekly inspections. **Section 2.1.9** does not have scheduled five and/or ten year piping inspections listed.

Suggest that Donlin allow ADEC to examine tank and facility plans to ensure they meet regulatory requirements.

Tank Vessel C-Plan

Overall Comments: The C-Plan notes that Donlin will utilize third-party operators for its marine operations. While the C-Plan reviewed may be useful for EIS purposes, Donlin may be able to rely on existing third-party contingency plans. Typically barge operators are contracted to supply fuel to remote operations such as the Donlin Mine site. Since the C-Plan must either be submitted by the charterer (Donlin) or the owner of the barges being used to transport fuel for the mine, the mine operator's relationship to the barge operator needs to be clearly defined.

The operational plan notes that the barge operator will transport fuel from Dutch Harbor to Bethel as well as from Bethel to the Jungjuk Barge Terminal. If the barge operator will be transiting to both locations, they will need to apply to operate in multiple regions of operation.

There is a great deal of language in the C-Plan that applies to tank ships and some that applies to foreign flagged vessels. If, as stated, Donlin will only utilize barges for fuel transport, the references to tank ships should be changed. Suggest reviewing all regulatory references for accuracy.

Page 3-177, section 3.3.3: As noted in paragraph 4, temperature gains are more pronounced in the winter months. Then paragraph 5 bullets go on to state that warmer temperatures and lowered snowpacks may result in impacts to permafrost. It should be noted that warmer temperature and lowered snowpacks are not synonymous, since the amount of snowfall can increase as the temperature nears 32 degrees due to the air ability to hold more moisture.

Solid Waste

Page 3-20, Table 3.1-5: Why is mercury not included in the list of parameters for overburden samples? All concentrations are "dissolved" and should be used as "average" annual. However, this may not coincide with how they are regulated.

Page 3-39, Section 3.1.5, paragraph four: A discussion of the Boss Creek and other segments of the Denali Fault system discusses "recent seismic activity" but does not define what is considered recent. What is meant by the term "recent seismic activity"?

Misc.

Page 3-387, Table 3.9-20: It is not clear why Table 3.9-20 Donlin Gold Furbearer Survey Species List contains a listing for owl, passerine, ptarmigan, and spruce grouse...since none of those birds are truly furbearers.

ADF&G

Alaska Department of Fish and Game (ADF&G) has prepared the following scoping comments regarding important biological resources and subsistence use of the resources within the Kuskokwim and Crooked Creek drainages. The following is a description of topics and potential issues that the ADF&G believes should be evaluated in the EIS.

The EIS should evaluate the potential short and long term effects on fish and wildlife and their habitats and human uses of fish and wildlife. All facilities including but not limited to the following should be covered in the EIS: the road between the Jungjuk Port and the mine site, construction of the Jungjuk Port, expansion of the Bethel Port, the mine site and mining operations, water management, access to the mine site (e.g., barging), and closure.

The current mine plan relies heavily on the success of moving multiple barge trains towed by tug boats from the Bethel Port to the proposed Jungjuk Port. An analysis of the potential impacts to subsistence and commercial fishermen from barge traffic is needed. Given the importance of the barging effort to construction, operation, and closure, an evaluation of the need for and potential effects of dredging of the Kuskokwim River should be covered. The ADF&G has little information regarding main channel Kuskokwim River spawning by salmon or anadromous whitefish. Field research may be required to provide adequate data regarding main channel fish spawning to help evaluate the potential effects on spawning salmon and anadromous whitefish.

Baseline aquatic data (fish, water quality, water quantity, benthic invertebrates, etc.) have been collected for the mine site. These data need to be presented with maps such that reviewing agencies understand the existing baseline data set in relation to the proposed facilities.

Water and Aquatic Resources:

The proposed Donlin Creek Mine is located within the Crooked Creek drainage. Several fish species use the drainage including all five species of Pacific salmon. During mine construction and operation it is estimated that the stream flow in Crooked Creek could be reduced by 25%. The effects of decreased stream flow in relation to fish passage to upstream spawning habitat and effects on downstream spawning habitat and spawning success should be addressed. Numerous dams will be constructed within both the American and Anaconda creek drainages. Changes in water movement (quantity and quality), both surface and subsurface, by season need to be covered.

Dams and the movement of water throughout the mine site rely on diversions and pumping systems, the EIS should evaluate how these systems will perform when snow, ice, and aufeis are present as well as the need for redundant systems. In addition, subsurface flow through the mine site and the potential for alterations to subsurface flows during and after mining needs to be addressed. The Anaconda Creek tailings storage facility (TSF) will be reclaimed at closure and a spillway constructed to divert surface water to Crevice Creek. The impacts to the stability of Crevice Creek with this increase in baseflow should be addressed. Additionally, at closure it is estimated that Anaconda Creek will see a 66% decrease in baseflow; effects on fish and fish habitat should be examined.

The proposed Jungjuk road that will connect the Jungjuk Port site to the mine crosses approximately 50 streams and/or drainages including both Jungjuk and Getmuna creeks, both of which support resident and anadromous fish. Spur roads will also be constructed to access the airport and other mine facilities. The EIS should evaluate the potential effects of bridge and culvert stream crossings, and cross drainage on stream hydrology and/or morphology, including the potential for aufeis. Diesel fuel and cyanide will be transported from the Bethel Port to the proposed Jungjuk Port site via barge and then to the mine on an all season gravel road. Mitigation /containment measures should be addressed as well as the potential effects to fish and aquatic organisms in the event of a spill.

Road construction will require the opening of several gravel extraction sites to provide material for road construction. An evaluation of material source siting, material removal plans, and restoration with respect to potential effects (both positive and negative) on local fish populations should be evaluated. An analysis of available water sources and volumes for road construction, maintenance, and dust control should be conducted. In addition any potential ice road construction along either the Kuskokwim River and/or around the mine should be evaluated, including quantities and sources of water.

Wildlife and Subsistence Resources:

Several communities located throughout this region utilize fish and wildlife resources for subsistence purposes. The EIS should evaluate the potential for conflicts between subsistence/commercial fishermen and barge traffic. Although it has not been proposed, dredging of the Kuskokwim River is likely to be needed to ensure barge traffic can move unimpeded between Bethel and the proposed Jungjuk Port. The effects of dredging on fish and fish habitat should be evaluated. The ADF&G has little information regarding main channel salmon or anadromous whitefish spawning in the Kuskokwim River. We do not expect an appreciable degree of main channel spawning, however, main channel spawning data needs to be collected to conduct this evaluation.

Wildlife, including moose, bears, furbearers, and waterfowl utilize the area around the mine and associated facilities. The potential effects of interactions between wildlife and the tailings impoundment should be addressed, including measures taken to deter wildlife from interacting with these areas, if necessary. Tailings are expected to be non-acid generating; however, there is potential for metals leaching and arsenic, mercury and cyanide from the process may be present. The EIS should evaluate the water quality of the TSF. If waters within the mine site are expected to be toxic to wildlife, an evaluation of mitigation measures to ensure wildlife contact is minimized should be included. Construction and use of the road also has the potential to affect wildlife.

The proposed Jungjuk Port site is located near the confluence of the Kuskokwim River and Jungjuk Creek. Jungjuk Creek supports rearing coho salmon and resident fish species. The Jungjuk Port appears to be substantial and will become a prominent feature on the river bank; however, little information on the proposed port is available. The potential effects of port construction and maintenance on river morphology, sediment deposition, and seasonal ice movement and fish habitat should be evaluated.

Cumulative Effects:

Construction of a substantial port facility at Jungjuk Creek may increase barge traffic region wide, beyond that proposed for the Donlin Creek Mine. Availability of a port could improve the economics for other mines in the region and the port could serve as a shipping hub for Kuskokwim River communities. The positive effects of increased barge operation on local communities should be evaluated as well as the potential negative effects on subsistence and commercial fishing activities.

ADF&G Pipeline specific (through State Pipeline Coordinator's Office)

The Alaska Department of Fish and Game (ADF&G) has reviewed the Natural Gas Pipeline Plan of Development document submitted by the State of Alaska to the US Army Corps of Engineers (USACE) for the Donlin Gold Proposed Environmental Impact Statement (EIS) development process. The following comments are the ADF&G's EIS scoping comments for the natural gas pipeline portion only of the proposed project and submitted project documents.

Major Comments

The proposed project is to construct a 14" diameter 313 mile gas pipeline from the Beluga Gas Field (30 miles NW of Anchorage) to the Donlin Gold Mine Site in Southwest Alaska. The proposed pipeline will be buried for almost the entire length and cross about 303 streams. About five miles of the proposed pipeline would be in the Susitna Flats State Game Refuge (SFSGR). This project will require multiple Title 16 Fish Habitat Permits as well as Special Area Permits from ADF&G.

The Donlin Gold Natural Gas Pipeline Plan of Development (POD) refers to several different plans such as a Wildlife Avoidance and Human Interaction Plan and Non-Native Invasive Plants (NIP) prevention plan; however they are not available for review at this time. These, and other plans, are important components of the project and will most likely be requirements of the State's right-of-way lease.

The EIS should carefully assess the effects of soil disturbance caused by burial of the pipeline to permafrost integrity, particularly through waterbodies and wetlands. Ditching through stream banks and beds, especially in unstable, ice-rich soils, may cause physical and thermal degradation, causing loss of riparian habitat, drainage of wetland complexes, potential changes in stream morphology, and increased sedimentation, with a resultant degradation of aquatic habitat.

The pipeline ditch can intercept overland flow that may erode backfill material from the pipeline ditch and potentially serve as a canal carrying water with a high sediment load into nearby streams or wetlands. The interception of stream flow and changes to wetland cross drainage, particularly in areas of continuous and discontinuous permafrost in rolling or mountainous terrain need to be addressed. Rehabilitation, especially in ice-rich soils, may require extensive, repeated ditch maintenance and long-term thermal stabilization activities before the habitat can return to its former stability and productivity. This could be particularly difficult since there is no access road planned along the pipeline route.

The EIS should carefully assess the effects of the ambient temperature charged gas pipeline on permafrost integrity, pipeline stability and integrity, erosion susceptibility and integrity of the pipeline ditch backfill, and stream bank stability since portions of the ambient temperature of the gas may be above freezing as they enter areas of permafrost. The EIS should also assess the effects of a below freezing ambient temperature gas pipeline as it exits permafrost in the summer and if it could lead to substantial icing.

In addition to the known anadromous streams specified pursuant to AS 16.05.871 that are proposed to be crossed by the proposed pipeline, there are likely numerous additional streams that support anadromous fish species that have not yet been identified. There are also likely numerous streams that support non-anadromous fish that will be crossed. An Aquatics Study Plan was developed in 2010 to identify these streams as well as collect other aquatic resource information. The results of these studies should be submitted to ADF&G and other interested resource agencies for review and incorporated into the EIS.

It appears that the applicant intends to trench all stream crossings possible, and the only proposed HDD under bores are on streams that are too large for trenching. On a case by case basis, consideration should be given to HDD all anadromous streams. Timing windows under our authority may be required for trenching anadromous streams to minimize impacts to aquatic resources. Conceptual plans should be prepared for stream crossings and then applied on a site-specific basis.

The first five miles of the pipeline, and potentially a compressor station, are proposed to be located within the Susitna Flats State Game Refuge (SFSGR). The refuge was established in 1976 pursuant to AS 16.20.036. The goals of the refuge are (1) protect fish and wildlife habitat and populations, particularly waterfowl nesting, feeding, and migration areas; moose calving areas; spring and fall bear feeding areas; salmon spawning and rearing habitats; and (2) facilitate public uses of fish and wildlife and their habitat, particularly waterfowl, moose, and bear hunting; viewing; photography; and general recreation in a high quality environment. Routing the pipeline through the SFSGR is a potential alternative, but not the only alternative that should be considered. It may be possible to connect with existing gas distribution infrastructure without crossing the SFSGR. An off-refuge alternative should be considered and evaluated. If the through-refuge route is eventually approved, mitigation measures will need to be developed to mitigate impacts to the refuge and refuge users and a Special Area Permit from the Division of Habitat will be required.

Cook Inlet beluga whales should be added to the list of threatened and endangered species that are known to occur in the project area.

The Donlin Gas Pipeline Project Description/Plan of Development

Page 3-27, 8-(1-5), 9-1, 10-7 **Access.** The POD generally addresses how Donlin Gold would maintain public access across the pipeline corridor during construction via alternate access or controlled access within or across the construction area and includes a public outreach component. The EIS should identify all the public trails, including RS2477s and 17(b) easements, within the project area and describe any specific measures to minimize short-term and/or long-term impacts to public access.

The POD also indicates that public use of the pipeline right-of-way during operation may be discouraged if the use may put the integrity of the pipeline system at risk. Rights-of-way for buried pipelines function as public access routes in Alaska, particularly in areas with significant woody vegetation. The EIS should describe any specific pipeline installation and/or operation measures that would allow future public access and use of the ROW, while precluding future integrity issues, as necessary.

Page 3-34, 9-19, 9-26. **Subsistence.** The POD gives a few examples of subsistence harvests and uses, but the list is limited. On page 3-34 the POD does state that a “Subsistence Users Plan of Cooperation” would be developed and written. This plan would probably be more appropriate for a more complete listing of subsistence harvest and use information, as well as recommendations for work schedules and mitigation measures. The Division of Subsistence looks forward to providing input on the draft “Subsistence Users Plan of Cooperation

Page 6-4, 8-26. **Material Sites.** It would be useful if the project plan includes information that provides a summary of the number and location of material sites, the volume of gravel needed for roads, pads, and pipeline bedding, ditch spoil disposal sites, predicted disposal volumes. A number of potential material sites are less than 1 mile from the next site. Consideration should be given to maximizing the distance between sites and reducing the number of sites developed, thereby reducing site reclamation requirements.

Page 7-8, Table 7-3. **Permits and Authorizations.** Table suggests that ADF&G Fish Habitat Permits are only required for water withdrawal. Fish Habitat permits will be necessary for a wide variety of proposed activities associated with fish streams such as pipeline crossings (e.g., ditching, boring, streambed and streambank rehabilitation), equipment crossings, material sites, port construction, etc.

Page 8-5, 8-71. **Horizontal Directional Drilling (HDD)** In some cases HDD drilling muds have been known to propagate into a watercourse (frac-out) as a result of excessive drilling pressures and site specific geology. An HDD drilling mud management plan should be developed to minimize the potential of a frac-out as well as to have a plan in place to both detect drilling muds entering water courses and to trigger an appropriate course of action.

Sections that are HDD should undergo pressure/hydrostatic testing prior to installation.

Page 8-7. Construction Execution. POD references a summer construction plan for a section in the middle of the proposed line (MP 113-MP 134) however there is no mention of how equipment and supplies will access this section. This should be addressed.

The construction of the section of the pipeline between MP 48 and MP 128 is proposed to be accessed off Oilwell Road in the Petersville area. There is very little infrastructure in the Oilwell Road area. Creation of new yards, material sources, possible improvements to existing roads and bridges, and crew housing in the Oilwell Road area to facilitate construction would have impacts to area resources and users, and should be discussed within the EIS.

Using this access point would require the construction of an extensive ice road and would cross several major rivers and a myriad of smaller anadromous streams. Given the transitional maritime climate of the area, wintertime ice roads may not always be passable due to periodic thaws which are possible at any time during the winter.

Page 8-9, 8-31. Construction Camps. Temporary work camps as well as permanent facilities need to be surrounded by electric fences to minimize human interactions with foxes, and brown and black bears that were common during construction of the Trans-Alaska Pipeline. The temporary storage and proper disposal of putrescible wastes will be an important part of minimizing human/carnivore interactions.

Page 8-40, 8-(83-84). Water Use. A large amount of water will be needed for pipeline construction including for building ice roads/pads, hydrostatic testing, trench dewatering, camp use and firewater storage. Water sources, methods of retrieval as well as potential disposal methods and sites should be evaluated.

Page 8-(62-69). Pipe Installation. Ditching and pipe stringing operations need to consider wildlife movements. Extensive lengths of ditch or pipe either awaiting welding or laying, can deflect or form barriers to wildlife movement (moose migration between summer and winter range; caribou seasonal migrations). In the worst case, open ditch could result in animal entrapment. Cross-right-of-way access will need to be maintained for resident animals during non-migratory periods. Similarly, ditching and pipe installation across some fish streams may need to be scheduled to minimize disruption to fish passage or fish spawning.

Page 8-62. Blasting. The EIS should examine the effects of blasting on aquatic and terrestrial biological resources. Blasting during sensitive life stages of wildlife (e.g., Dall sheep lambing, raptor nesting, bear denning) can impact reproduction or survival. Blasting of the pipeline ditch in or near streams could cause mortality of adult and juvenile fish as well as developing eggs.

Page 9-(20-23). Wildlife Resources. ADF&G Division of Wildlife staff has identified a salt lick approximately 2-3 miles west of Egypt Mountain. The coordinates for the center of salt lick are approximately 62.47543333° N, -153.71645° W. This salt lick is frequently used by bison and most likely other large mammals such as moose, caribou, and sheep. According to the POD (Egypt Mountain alternative route map 3-6), the proposed gas line intersects this salt lick. Consideration should be given to either re-route the pipeline to avoid the salt lick or conduct a study to determine the extent, composition and use of the salt lick to ensure its integrity and continued use by wildlife is maintained.

In addition, a portion of the proposed pipeline route runs directly along the face of the Alaska Range and through transitional habitats between lower black spruce forest and mountain habitat. This transitional habitat is important to many species of wildlife including moose and caribou. The transitional habitat along the current proposed route is widest near the Big River. The EIS should identify these transitional habitat zones and consideration should be given to minimizing the pipeline route through these zones. In some cases, the route could avoid this important habitat by moving as few as three miles to the north of the current proposed alignment into areas more dominated by black spruce.

DNR

The Mine appears to include several substantial water dams and one large dam for whole mill tailings slurry. ADNR Dam Safety suggests that the scope of the pending EIS should include consideration of the hazard potential classification of the dams in accordance with 11 AAC 93.157, Hazard Potential Classification, and the requirements of (f)(1)(E) of 11 AAC 93.171, Dam Construction, Repair, or Modification, which reads:

(E) for new construction of Class I and II dams, an analysis of project alternatives including a feasibility study and a site study that justifies the location, type, and configuration of the proposed dam over other alternative locations, types, and configurations of dams or other projects;

To address this concern, I would expect one of the alternatives in the EIS would include an alternative to whole tailings, such as a dry stack or paste dewatering method.

The maps for the pipeline (especially when it is crossing subdivision lots) is at too broad of a scale. Southcentral Regional Office (SCRO) has already received multiple calls from residents of Onestone Lake who can't tell if the pipeline is crossing their lots, and the maps are of a quality that does not allow DNR to determine the answer (page 439). Also, the inset for Onestone (the upper right one) has the lot lines underneath the ownership colors. So if it is private, the lot lines disappear. Please correct this to assist in reading the map.

There seems to be excellent information about the uplands where the port site is proposed to be located, but could not locate similar information about the actual foot print of the docking facility as it pertains to the Kuskokwim River (shorelands): i.e. species inventory, erosion/sedimentation complications, impacts to river use, etc. Is this buried somewhere in the document or is it missing? If it is buried, please add the page reference to the index to assist in locating that section within chapter 3.

The "Guides" section is lacking for the pipeline. There is a paragraph of guide information for the FSA, with only a "although guides may work along the pipeline route" for the information about the pipeline (page 581). Conflicts with guiding activities will be one of the main issues during construction.

A formal letter initiating consultation has been reviewed, but the Office of History and Archeology (OHA) have yet to consult developing an area of potential effects (APE) for the

project or identified all of the appropriate Section 106 consulting parties. Considering the scope and magnitude of the project, as well as the known cultural resources out there, it is advisable that the lead agency and other consulting parties continue discussions and moving forward to give ample time to work through identification of historic properties, assessment of effects, and potential resolutions of any adverse effects as required by section 106.

Page 3-539, Section 3.16, second paragraph: Suggest adding the following **bolded** language: The APE determination will likely occur during **formal consultation under Section 106 of the NHPA (36 CFR 800)** and the NEPA process. The definition of the APE will involve consultation among the lead federal agency, **other permitting agencies**, the Alaska State Historic Preservation Office (SHPO), area Tribes, **local government representatives**, the project proponent, and other interested parties.

Page 3-547, Section 3.16.8: This section seems to conflate two similar but distinct concepts – properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and Traditional Cultural Properties. While these are sometimes the same thing, TCPs are not limited to Indian Tribes or NHOs. As such, a TCP may be a property of traditional and cultural importance to an Indian Tribe or NHO, but it may not be. Recommend revising slightly to clarify the difference between TCPs and properties of traditional religious and cultural importance to Indian Tribes/NHOs.

This concludes the State's scoping comments for the Donlin Gold Mine EIS. If you have any questions regarding these comments, please contact me at (907) 269-7476 or by email at jeff.bruno@alaska.gov.

Sincerely,



Jeff Bruno
Project Management and Permit Coordinator
State of Alaska
Department of Natural Resources

Cc:

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