The Advisory Council on Historic Preservation (ACHP) is providing comments on the Preliminary Scoping Issues Report (PSR) which summarizes stakeholder comments submitted to the Corps of Engineers, Alaska District (Corps) between April 1, 2018 and May 15, 2018, during the Corps’ scoping for the review of Department of the Army permit application POA-2017-271, submitted by Pebble Limited Partnership (83 FR 13483; pages 13483-13484). The Corps is lead agency for development of a Draft Environmental Impact Statement (EIS) for the proposed Pebble Mine Project for compliance with the National Environmental Policy Act (NEPA). In this submission, we also provide, as a cooperating agency in the NEPA process, our general Agency Scoping Comments regarding the proposed undertaking.

The Undertaking is development of the Pebble copper-gold-molybdenum-porphyry deposit as an open-pit mine, with associated infrastructure, in southwest Alaska, north of Iliamna Lake. The Corps is carrying out scoping to assist in determining the scope of analysis, significant issues, and alternatives to be analyzed in depth in the Draft EIS in compliance with the requirements of the NEPA. ACHP provides its comments here, with an emphasis on the obligation of federal agencies to comply with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), and its implementing regulations, “Protection of Historic Properties” (36 C.F.R. part 800). In this submission, we also provide, as a cooperating agency in the NEPA process, our general Agency Scoping Comments regarding the proposed undertaking.

**Comments on the Preliminary Scoping Issues Report (PSR)**

In reviewing the PSR, the ACHP notes that stakeholders have submitted a range of comments regarding different types of resources that can also relate to historic properties. The Corps should keep these comments in mind as the Corps carries out compliance with Section 106 of the NHPA.

Stakeholder comments focus on socioeconomics, subsistence activities, traditional lifeways, archaeological and cultural resources, visual resources, and areas with wilderness qualities. In their comments, stakeholders have specifically referenced the Corps’ responsibility to consider effects to traditional native or cultural sites, burial grounds, camp sites, rock art sites, and other cultural resources within the mine and utility corridors. Stakeholders have indicated concerns about the development process, the operation of the mine, the subsequent closure and cleanup, the associated increase in noise, people, heavy equipment, traffic, contamination from spills and run-off, and the potential for effects on ancestral hunting and fishing areas, and other traditional land use areas, as well as effects on subsistence activities, and resultant effects on traditional culture and ways of life.

Stakeholders have stressed the need for the Corps to:

1. study and be informed by traditional ecological knowledge;
2. consider the pristine and wilderness quality of many areas that may be impacted by the project, including: the Koktuli, Nushagak and its tributaries, Upper/Lower Talarik Creeks, the Gibraltar River, the Kvichak River, and other tributaries of Iliamna Lake;
3. consider effects to the setting and visual resources and the experience of visitors and residents in the areas affected;
4. carefully consider long term and cumulative effects, keeping in mind the potential long duration of the project and the potential that this project may facilitate and encourage 20 other large-scale active mining claims in the Bristol Bay watershed by providing transportation and power infrastructure that they can utilize.

**ACHP General Cooperating Agency Scoping Comments**

In complying with Section 106 of the NHPA, the Corps is required to make a reasonable and good faith effort to identify historic properties that may be affected by the undertaking. The scope of the identification effort should be developed in consultation with the Alaska State Historic Preservation Officer (SHPO), Indian tribes, which, for purposes of Section 106, includes Alaska Native Villages, Regional or Village Corporations, as those terms are defined in the Alaska Native Claims Settlement Act, the proponent, and other consulting parties. Consultation with Indian tribes must be carried out in a manner that acknowledges the government to government relationship between federal agencies and Indian tribes.

The Corps should require appropriate inventory surveys for the broad range of historic property types that may be present within the APE, including:

1. Archaeological sites and archaeological districts;
2. Properties of cultural and religious significance to Indian tribes;
3. Traditional cultural properties, including landscapes;
4. Standing structures;
5. Historic Districts.

It is important that the Corps identify and consult with any Indian tribes that ascribe cultural and religious significance to historic properties that may be affected by the undertaking, and work with them to determine an appropriate scope for the identification effort. Determinations of eligibility and effect, and appropriate steps to resolve adverse effects must be informed by the traditional knowledge of Indian tribes who ascribe significance to such properties, as gathered from ethnohistoric data, oral history, and other types of research.

The Corps, other federal agencies, the project proponent, and its consultants must be sensitive to concerns of the Indian tribes regarding the confidentiality of information they share about properties of religious and cultural significance. Further, as noted in our comments on the PSR, the scope of the Corps identification effort should be informed by many of the concerns expressed in the stakeholder scoping comments, even if they don’t specifically reference Section 106.

ACHP looks forward to assisting the Corps, other federal agencies, SHPO, Indian tribes, and other consulting parties in review of the Pebbles Mine project under NEPA and Section 106 of the NHPA. Should you have any questions or wish to discuss this matter further, please contact John T. Eddins, PhD at 202-517-0211, or by e-mail at jeddins@achp.gov.