

## 6.0 CONSULTATION AND COORDINATION

This section summarizes the consultation and coordination with agencies, as well as the public involvement opportunities for the Environmental Impact Statement (EIS), through preparation of the Final EIS (FEIS).

### 6.1 AGENCY COORDINATION

The US Army Corps of Engineers (USACE) is the lead federal agency for this EIS. Seven federal agencies, the State of Alaska, the Lake and Peninsula Borough (LPB), and two tribes are serving as cooperating agencies for this EIS. These cooperating agencies are involved in informing the EIS process and provide early input for certain sections of the EIS based on specific areas of jurisdiction by law and/or special expertise to strive for an EIS that provides a full and fair disclosure of the probable impacts of the proposed project, and provides a sound basis for agency permit decisions. The cooperating agencies also informed the alternatives selection process to determine which alternatives would be carried through for analysis (see Chapter 2, Alternatives); these agencies are listed below.

- Advisory Council on Historic Preservation
- US Department of the Interior, Bureau of Safety and Environmental Enforcement
- Curyung Tribal Council
- Lake and Peninsula Borough
- Nondalton Tribal Council
- US Department of the Interior, National Park Service
- US Department of Transportation, Pipeline and Hazardous Materials Safety Administration
- State of Alaska
- US Coast Guard
- US Environmental Protection Agency
- US Department of the Interior, Fish and Wildlife Service

#### 6.1.1 Biological Assessments

Section 7 of the Endangered Species Act (ESA) requires federal agencies to, in consultation with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services), ensure that actions funded, authorized, or carried out by federal agencies do not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of critical habitat. USACE has determined that the project may have potential to impact threatened or endangered species protected under the ESA; therefore, USACE has engaged the Services in dialogue prior to initiating formal consultation, which will occur at a later date. Potential impacts to two threatened and one endangered species managed by USFWS are evaluated in a Biological Assessment (BA) (Appendix G). Potential impacts to four endangered or threatened species managed by NMFS are evaluated in a BA (Appendix H).

#### 6.1.2 Essential Fish Habitat Assessment

Consultation is required if there may be a reduction in the quality or quantity of Essential Fish Habitat (EFH) for species regulated under a federal Fishery Management Plan (FMP). Under the Magnuson-Stevens Fishery Conservation and Management 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 Pebble Project has potential to affect EFH for five species of Pacific salmon’s habitat that could occur in the project area, including: Chinook, sockeye, coho, chum, and pink salmon. An EFH Assessment is included as Appendix I.

## 6.2 TRIBAL CONSULTATION AND GOVERNMENT-TO-GOVERNMENT CONSULTATION

The USACE Tribal Consultation Policy (2012) states that "commands will ensure that all Tribes with an interest in a particular activity that has the potential to significantly affect protected tribal resources, tribal rights (including treaty rights) and Indian lands are contacted, and their comments taken into consideration." As the lead federal agency for development of the Pebble Project EIS, the USACE is responsible for government-to-government consultation and coordination with federally recognized tribes that may be impacted by the proposed project.

The government-to-government consultation process for the Pebble Project EIS is designed to provide federally recognized tribes in Alaska that may potentially be impacted by the proposed project with opportunities for meaningful participation in the federal permitting process. Tribes and other Alaska Native stakeholders have had several opportunities throughout the environmental review process to participate and provide input. The USACE developed an initial list of 35 federally recognized tribes that could be potentially impacted by the proposed project, which later expanded to 38 total tribes. The USACE notified and invited these tribes to government-to-government consultation prior to the submission of the application, and again after the application was determined complete. Information learned through tribal consultation helped to inform the EIS.

A letter was sent to the tribes on the USACE’s list, including basic project information, how tribes may participate in the development of the EIS, and another invitation for formal government-to-government consultation. Regardless of a tribe’s acceptance of formal consultation, USACE provided two-way sharing of information through mailings, teleconferences, and regional meetings during the National Environmental Policy Act (NEPA) process, held separately from the public meetings.

To date, the USACE has engaged and consulted with 24 federally recognized tribes. The dates of those meetings and the tribes that were engaged are listed in Table 6-1 below, including consultation for the National Historic Preservation Act Section 106.

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
March 15, 2017	31 Bristol Bay / Iliamna Lake tribes	Non-project specific survey requesting contact and communication information; 13 tribes responded	Various	USACE
December 6, 2017	31 Bristol Bay / Iliamna Lake tribes and 4 Cook Inlet tribes	23 responses from Bristol Bay/Iliamna Lake tribes’ invitation to government-to-government consultation	Various	USACE

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
January 12, 2018	31 Bristol Bay / Iliamna Lake tribes and 4 Cook Inlet tribes	Invitation to government-to-government consultation and copy of PLP permit application	Various	USACE
February 20, 2018	35 tribes	Invitation for government-to-government consultation / pre-scoping package / permit application	Various	USACE
February 21, 2018	Iliamna Village Council	Government-to-government engagement	President and various	Sheila Newman, Shane McCoy
February 21, 2018	Newhalen Tribal Council	Government-to-government engagement	President and various	Sheila Newman, Shane McCoy
February 21 and 22, 2018	Nondalton Tribal Council	Available—declined twice	Fawn Silas	Sheila Newman, Shane McCoy
March 20, 2018	35 tribes	Invitation for government-to-government/pre-scoping package/permit application	Various	USACE
March 22, 2018	Various; met with Bristol Bay Native Association	Government-to-government engagement	26 tribes represented	Mike Montone, Sheila Newman, Shane McCoy, Amanda Andraschko
March 23 and 24, 2018	Curyung Tribal Council	Stated would meet; but tribe did not attend	First Chief Tildon	Sheila Newman, Shane McCoy
March 23 and 24, 2018	Nondalton Tribal Council	Stated would meet; but tribe did not attend	Billy Trefon Jr.	Sheila Newman, Shane McCoy
April 3, 2018	35 tribes	Webinar and teleconference, multiple tribes	Various	Shane McCoy
April 4, 2018	King Salmon Tribal Council	Informal government-to-government consultation—most council members not available	Vice President	Shane McCoy, Amanda Andraschko, Nic Lucore
April 4, 2018	Naknek Tribal Council	Government-to-government consultation	President and various	Shane McCoy, Amanda Andraschko, Nic Lucore
April 10, 2018	Kokhanok Tribal Council Levelok Tribal Council	Government-to-government engagement	Various	Shane McCoy, Katie McCafferty
April 12, 2018	Newhalen Tribal Council	Government-to-government engagement	President and various	Shane McCoy, Katie McCafferty
April 12, 2018	Iliamna Village Council	Government-to-government engagement	President and various	Shane McCoy, Katie McCafferty

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
April 13, 2018	New Stuyahok Traditional Council	Available but tribe did not attend. Was listed on April 12, 2018 Tribal Agenda	Wasillie Gust Sr.	Shane McCoy, Katie McCafferty
April 16, 2018	Nondalton Tribal Council	Asked; declined	Rob Rosenfeld, Wesley Furlong (Native American Rights Fund)	USACE
April 17, 2018	Curyung Tribal Council	Government-to-government consultation	Second Chief and various	Shane McCoy, Katie McCafferty
April 18, 2018	Igiugig Village Council	Government-to-government consultation	President and various	Shane McCoy, Katie McCafferty
April 24, 2018	Ugashik Village Council	Government-to-government consultation	Steven Alvarez	Shane McCoy, Amanda Andraschko,
May 31, 2018	United Tribes of Bristol Bay <sup>1</sup> — representing 13 federally recognized tribes, in Dillingham	Formal government-to-government consultation	Various; coordinated with Alannah Hurley and Lindsay Layland of United Tribes of Bristol Bay	Colonel Brooks, Dave Hobbie, Shane McCoy, Amanda Andraschko
June 1, 2018	Curyung Tribal Council in Dillingham	Formal government-to-government consultation	Coordinated with Courtenay Carty, Tribal Administrator. Attended by Tom Tilden, President, Curyung Tribal Council members and staff	Colonel Brooks, Dave Hobbie, Shane McCoy, Amanda Andraschko
June 12, 2018	Curyung Tribal Council	Government-to-government engagement, USACE staff called in to Tribal Council evening meeting	Courtenay Carty	Shane McCoy, Amanda Andraschko
July 23, 2018	Seldovia Village Tribe	Government-to-government consultation	Crystal Collier, Michael Ophiem	Shane McCoy, Katie McCafferty, Amanda Andraschko
July 27, 2018	Nondalton Tribal Council	Government-to-government consultation	Rob Rosenfeld	Lieutenant Colonel Bloedel, Shane McCoy, Amanda Andaschko
Fall 2018 planning	Ekwok	Pre government-to-government planning	Richard King	Colonel Borders, Shane McCoy, Amanda Andraschko
August 17, 2018	35 tribes	Emailed invitations to participate in the Section 106 Process	Various	Shane McCoy

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
August 20, 2018	35 tribes	Hardcopy letter inviting Tribes to participate in the Section 106 process	Various	Shane McCoy
August 29, 2018	35 tribes	Teleconference	Various	Shane McCoy, Katie McCafferty, Amanda Andraschko
September 6, 2018	35 tribes	Additional information regarding the Section 106 process	Various	Katie McCafferty
September 13, 2018	Nondalton Tribal Council with Native American Rights Fund	Face to face	Various	Met with RD James, Assistant Secretary of the Army for Civil Works; met with Mr. James Dalton, USACE Director of Civil Works
September 21, 2018	35 tribes	Email reminding tribes of our invitation deadline for the Section 106 process	Various	USACE
October 5, 2018	35 tribes invited	Tribal teleconference	Various	Shane McCoy, Amanda Andraschko, Katie McCafferty, Jesse DeWitt, Brandee Ketchum
October 6, 2018	Various	Memo For Record – Re: October 2, 2018 meeting with SHPO	Various	Katie McCafferty
October 16, 2018	35 tribes	Letter requesting preferred method to receive DEIS	Various	Shane McCoy
October 17, 2018	Curyung Tribal Council	Government-to-government consultation	First Chief Tildon, Second Chief, council members, and tribal administrator (via phone)	Colonel Borders, Dave Hobbie, Shane McCoy, Jesse DeWitt, Amanda Andraschko
October 30, 2018	35 tribes	Tribal teleconference notification	Various	USACE
October 30, 2018	35 tribes invited	Section 106 initiation meeting	Various	Shane McCoy, Katie McCafferty, Jesse DeWitt, Samantha Michie

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
October 31, 2018	Curyung Tribal Council	Formal government-to-government meeting	Thomas Tilden, First Chief; Gayla Hoseth, Second Chief; Jonathan Jeremy Larson, Member Chief; Kenton Woods, tribal member	Colonel Borders, Commander; Dave Hobbie, Shane McCoy, Amanda Andraschko, Jesse DeWitt
October 31, 2018	Ekwok	Government-to-government agenda planning	Richard King	Jesse DeWitt
October 31, 2018	United Tribes of Bristol Bay	Government-to-government, location coordination	Alannah Hurley	Jesse DeWitt
November 14, 2018	Ekwok Village Council and New Koliganek Village Council	Government-to-government consultation	Various	Colonel Borders, Dave Hobbie, Shane McCoy, Jesse DeWitt
November 28, 2018	United Tribes of Bristol Bay	Government-to-government planning	Email and phone call to Alannah Hurley	Shane McCoy
December 4, 2018	35 tribes and United Tribes of Bristol Bay	Tribal teleconference notification	Various	Jesse DeWitt
December 7, 2018	United Tribes of Bristol Bay	Government-to-government	Alannah Hurley	Colonel Borders, Dave Hobbie, Shane McCoy, Jesse DeWitt, Brandee Ketchum
December 11, 2018	Nondalton Tribal Council	Government-to-government reschedule	Rob Rosenfeld	Jesse DeWitt
December 11, 2018	Consulting parties	Section 106 meeting	Various	Katie McCafferty, Jesse DeWitt
December 12, 2018	35 tribes	DEIS preferred method of receipt verified via phone call	Various	Jesse DeWitt
December 12, 2018	Ekwok Tribal Council	Email and mailed letter of thank you and draft government-to-government notes	Richard King	Shane McCoy
December 13, 2018	35 tribes and United Tribes of Bristol Bay	Tribal teleconference	Various	Shane McCoy, Brandee Ketchum, Katie McCafferty, Jesse DeWitt
December 18, 2018	United Tribes of Bristol Bay	Thank you letter with notes and Dr. Alan Boraas presentation	President Heyano; email to Alannah Hurley	Signed by Colonel Borders
January 14, 2019	35 tribes	Email informing tribes of the January 24, 2019 tribal teleconference	Various	Jesse DeWitt

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
January 15, 2019	Consulting parties	Section 106 meeting	Various	Katie McCafferty, Jesse DeWitt, Brandee Ketchum
January 17, 2019	United Tribes of Bristol Bay	Email responding to United Tribes of Bristol Bay notifying of Sustainability Summit April 11 and 12, 2019 and USACE asking if there are other dates that may conflict with public hearings	Alannah Hurley	USACE
January 17, 2019	35 tribes and United Tribes of Bristol Bay	Tribal update teleconference call-in information sent out	Various	Jesse DeWitt
January 18, 2019	United Tribes of Bristol Bay	Phone call asking if there are schedule conflicts for a public hearing in Dillingham on April 10, 2019	Lindsay Layland	Shane McCoy
January 24, 2019	35 tribes and United Tribes of Bristol Bay	Tribal update teleconference	Various	Shane McCoy, Jesse DeWitt
January 25, 2019	Attendees of the January 24, 2019 tribal teleconference	Teleconference opening statements were sent out as requested	Various	Jesse DeWitt
February 4, 2019	United Tribes of Bristol Bay	Letter sent to United Tribes of Bristol Bay requesting clarification on Native American Rights Fund as United Tribes of Bristol Bay representative; no response received	President Robert Heyano	Shane McCoy
February 5, 2019	Consulting parties	Section 106 meeting	Various	Katie McCafferty, Jesse DeWitt
February 11, 2019	35 tribes and copied United Tribes of Bristol Bay	Letter informing of upcoming availability of DEIS, reiterating opportunity to invite government-to-government, opportunity to participate in Section 106 and maps, and also opportunity to participate in public process	Various	Shane McCoy
February 22, 2019	35 tribes	Letter, mailed thumb drive of DEIS, opportunity to request government-to-government while hearings are held in communities	Various	Shane McCoy

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
February 27, 2019	Kenaitze Indian Tribe, Village of Salamatof, Native Village of Tyonek	Notice of opportunity to invite us to government-to-government, opportunity to participate in Section 106, opportunity to participate in public process, sent thumb drive of DEIS	Various	Signed by Colonel Borders
March 5, 2019	38 tribes	Webinar for DEIS	Various	Shane McCoy, Jesse DeWitt
March 19, 2019	Alaska Peninsula Corporation	Comment on government-to-government consultation requested in public comments submitted on DEIS	USACE	USACE
March 26, 2019	Kokhanok Tribal Council	Government-to-government consultation	Tribal Council	Lieutenant Colonel Bloedel, David Hobbie, Shane McCoy, Katherine McCafferty, Kendall Campbell
March 27, 2019	Newhalen Tribal Council	Government-to-government consultation	Tribal Council	Colonel Borders, David Hobbie, Shane McCoy, Katherine McCafferty, Kendall Campbell
March 28, 2019	Igiugig Village Council	Government-to-government consultation	Tribal Council	Colonel Borders, David Hobbie, Shane McCoy, Katherine McCafferty, Kendall Campbell
March 29, 2019	Nondalton Tribal Council	Email; will follow up with a phone call April 2, 2019	Wesley Furlong, Rob Rosenfeld	Shane McCoy
April 2, 2019	Nondalton Tribal Council	Phone call regarding government-to-government April 8, 2019	Rob Rosenfeld	Shane McCoy
April 3, 2019	United Tribes of Bristol Bay	Phone call and follow up email regarding tribes requesting government-to-government	Spoke to Lindsey Layland; emailed Lindsey Layland and Alannah Hurley	Shane McCoy
April 3, 2019	Village of Salamatof	Phone follow up on February government-to-government invite, tribe requested resend letter, left message requesting response	Sharon Wiliford	Katie McCafferty
April 3, 2019	Native Village of Tyonek	Phone follow up to February government-to-government invite, left message for President Standifer	Staff	Katie McCafferty



**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
April 3, 2019	Kenaitze Indian Tribe	Phone follow up to February government-to-government invite, left message for executive director	Staff	Katie McCafferty
April 3, 2019	Nondalton Tribal Council	Email from Rob Rosenfeld confirming agenda for April 8, 2019 government-to-government consultation	Rob Rosenfeld	Shane McCoy
April 8, 2019	Nondalton Tribal Council	Government-to-government consultation	Various	Lieutenant Colonel Bloedel, Sheila Newman, Shane McCoy, Katherine McCafferty, Kendall Campbell
April 9, 2019	Curyung Tribal Council	Government-to-government consultation	Various	Lieutenant Colonel Bloedel, Sheila Newman, Shane McCoy, Katherine McCafferty, Kendall Campbell
April 9, 2019		Comment on tribal research that should be conducted—requested in public comments submitted on DEIS	USACE	USACE
April 10, 2019	Pedro Bay Village Council	Consultation	Various	Lieutenant Colonel Bloedel, Sheila Newman, Shane McCoy, Katherine McCafferty, Kendall Campbell
April 11, 2019	Aleutian Pribilof Islands Association	Comment on government-to-government consultation requested in public comments submitted on DEIS	Staff	USACE
April 4, 2019	King Salmon Tribe	Comment on government-to-government consultation—requested in public comment on DEIS	USACE	USACE
April 19, 2019	Village of Salamatof	Phone follow up on February government-to-government invite, left voicemail requesting response	Sharon Wiliford	Katie McCafferty
April 19, 2019	Native Village of Tyonek	Phone follow up on February government-to-government invite, left message for President Standifer	Staff	Katie McCafferty
April 19, 2019	Kenaitze Indian Tribe	Phone follow up on February government-to-government invite, left message for Executive Director	Brenda Blankenship	Katie McCafferty

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
April 29, 2019	Nondalton Tribal Council	Mailed thank you letter, a copy of the draft April 8, 2019 consultation notes for the tribe's review, and two hardcopies of DEIS	Vice President George Alexie	Letter signed by Lieutenant Colonel Bloedel
May 5, 2019	Nondalton Tribal Council / Native American Rights Fund	DEIS comment and request for government-to-government consultation requested in public comments submitted on DEIS	Lieutenant General Todd T. Semonite, USACE	USACE
May 21, 2019	38 tribes	Email informing tribes of the May 29, 2019 tribal teleconference	Various	Jesse DeWitt
May 21, 2019	Nondalton Tribal Council represented by Native American Rights Fund and United Tribes of Bristol Bay	Section 106 letter to the USACE	Nondalton Tribal Council Native American Rights Fund/letter to USACE	USACE
May 22, 2019	Consulting parties	Section 106 meeting	Various	Katie McCafferty
May 24, 2019	King Salmon Tribal Council	Phone call attempting to coordinate	None, mailbox full	Shane McCoy
May 29, 2019	38 tribes	Tribal teleconference	Various	Shane McCoy, Jesse DeWitt
June 6, 2019	Nondalton Tribal Council / Native American Rights Fund	In person meeting	George Alexie / Rob Rosenfeld	Major General Spellmon
June 19, 2019	Ekuk Tribal Council	Letter	President Heyano	Shane McCoy
June 25, 2019	Native Village of White Mountain	Letter	President Brown	Shane McCoy
July 1, 2019	Nondalton Tribal Council / United Tribes of Bristol Bay	Comment on tribal consultation requested in public comments submitted on DEIS	USACE	USACE
July 11, 2019	Consulting parties	Section 106 meeting	Various	Katie McCafferty, Jesse DeWitt, Chris Parrish
July 17, 2019	38 tribes	Tribal teleconference	Various	Shane McCoy, Katie McCafferty, Brandee Ketchum, Kendall Campbell
July 25, 2019	Igiugig Village Council	Received letter indicating Native American Rights Fund represents tribe in Section 106 consultation	Alex Anna Salmon	USACE

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
July 25, 2019	Nondalton Tribal Council	Response letter from Major General Spellmon	George Alexie	Major General Spellmon
July 30, 2019	Curyung Tribal Council	Email to USACE that is a request for government-to-government consultation	Kendall Campbell, USACE	Kendall Campbell
July 31, 2019	Curyung Tribal Council	Tribe emailed the USACE indicating August 1, 2019 unavailability	Courtenay Carty	Kendall Campbell
August 2, 2019	Nondalton Tribal Council / Native American Rights Fund	Email asking for response to July 24, 2019 inquiry regarding DEIS comments	Wesley Furlong	Shane McCoy
August 5, 2019	Nondalton Tribal Council / Native American Rights Fund	Email response to July 24, 2019 inquiry regarding DEIS comments	Wesley Furlong	Shane McCoy
August 23, 2019	Various	Tribal teleconference	Various	Katie McCafferty, Brandee Ketchum, Jesse DeWitt
August 30, 2019	Nondalton Tribal Council / Native American Rights Fund	Phone call to discuss scheduling government-to-government consultation	Rob Rosenfeld	Kendall Campbell
August 30, 2019	Nondalton Tribal Council / Native American Rights Fund	Email follow up to phone call to discuss scheduling government-to-government consultation	Rob Rosenfeld	Kendall Campbell
September 4, 2019	Nondalton Tribal Council / Native American Rights Fund	Email follow up to discuss scheduling government-to-government consultation	Rob Rosenfeld	Kendall Campbell
September 6, 2019	Consulting parties	Section 106 meeting	Various	Katie McCafferty, Brandee Ketchum, Chris Parrish, Heather Markway
September 9, 2019	United Tribes of Bristol Bay	USACE received request for government-to-government consultation on October 14 or 15, 2019	United Tribes of Bristol Bay	Addressed to Colonel Borders
September 9, 2019	Nondalton Tribal Council / Native American Rights Fund	Phone call to discuss tentative government-to-government consultation date of November 14, 2019	Rob Rosenfeld	Kendall Campbell
September 12, 2019	United Tribes of Bristol Bay	Email indicating Colonel Borders is available for October 15, 2019 0900-1100; asked for an agenda, attendees list, and proposed location	Lindsey Layland	Shane McCoy

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
September 23, 2019	Nondalton Tribal Council / Native American Rights Fund	Phone call to discuss scheduling government-to-government consultation	Rob Rosenfeld	Kendall Campbell
September 24, 2019	United Tribes of Bristol Bay	Email inquiring about draft agenda, attendees, etc., and offering assistance if needed	Lindsey Layland and Alannah Hurley—both out of office until September 25, 2019 and October 8, 2019 respectively	Shane McCoy
September 26, 2019	Various	Tribal teleconference	Various	Shane McCoy, Katie McCafferty, Brandee Ketchum, Jesse DeWitt, Kendall Campbell
September 27, 2019	Nondalton Tribal Council / Native American Rights Fund	Phone call confirming date and discussing draft protocols for government-to-government	Rob Rosenfeld	Kendall Campbell
September 30, 2019	United Tribes of Bristol Bay	Phone call	Lindsey Layland	Shane McCoy
October 1, 2019	Nondalton Tribal Council / Native American Rights Fund	Phone call	Rob Rosenfeld	Kendall Campbell
October 9, 2019	United Tribes of Bristol Bay	Email	Alannah Hurley and Lindsay Layland	Shane McCoy
October 15, 2019	United Tribes of Bristol Bay	Government-to-government consultation	Wesley Furlong	Colonel Borders, David Hobbie, Kendall Campbell
November 1, 2019	Consulting parties	Section 106 meeting	Various	Katie McCafferty
November 5, 2019	38 tribes	Tribal teleconference	Various	Shane McCoy, Katie McCafferty, Kendall Campbell, Jesse DeWitt
November 14, 2019	Nondalton Tribal Council	Government-to-government consultation	Wesley Furlong	Colonel Borders, Sheila Newman, Kendall Campbell, Jesse DeWitt
November 25, 2019	United Tribes of Bristol Bay	Email draft notes from meeting	Various	Kendall Campbell
December 12, 2019	11 tribes, United Tribes of Bristol Bay	Response letters regarding upcoming Section 106 meetings	Various	Colonel Borders
January 3, 2020	Various	Letter for consultation meetings to be held in January and February 2019	Various	Shane McCoy

**Table 6-1: Tribal Consultation and National Historic Preservation Act (Section 106)**

Date	Tribe(s)	Attempt/Response	Person Contacted	USACE Attendees
January 28, 2020	Consulting parties	Section 106 meeting in Dillingham	Various	Sheila Newman, Katie McCafferty, Chris Parrish
January 29, 2020	11 tribes, United Tribes of Bristol Bay, Native American Rights Fund	Section 106 consultation meeting in Dillingham	Various	Sheila Newman, Katie McCafferty, Chris Parrish
January 30, 2020	Aleknagik Tribal Council	Section 106 consultation meeting in Aleknagik	Jon Dyszuk	Sheila Newman, Katie McCafferty, Chris Parrish
January 31, 2020	Curyung Tribe	Section 106 consultation meeting in Dillingham	Courtenay Cartay, Gayla Hoseth	Sheila Newman, Katie McCafferty, Chris Parrish
January 31, 2020	Curyung and Aleknagik Tribal Elders	Section 106 consultation meeting in Dillingham	Jon Dyszuk	Sheila Newman, Chris Parrish
February 3, 2020	Iliamna Natives Limited	Section 106 consultation meeting in Iliamna	Iliamna Natives Limited	Sheila Newman, Katie McCafferty
February 4, 2020	Kokhanok Village Council	Section 106 consultation meeting in Iliamna	Kokhanok Village Council	Sheila Newman, Katie McCafferty
February 5, 2020	Iliamna Village Council	Section 106 consultation meeting in Iliamna	Iliamna Village Council	Sheila Newman, Katie McCafferty
February 6, 2020	Iguigig Village Council / Native American Rights Fund	Section 106 consultation meeting in Iliamna	Karl Hill, Christina Salmon	Sheila Newman, Katie McCafferty
February 6, 2020	Newhalen Village Council	Section 106 consultation meeting in Newhalen	Newhalen Village Council	Sheila Newman, Katie McCafferty
February 6, 2020	38 tribes	Distributed thumb drives containing Preliminary FEIS	Various	Shane McCoy
February 7, 2020	Nondalton Tribal Council / Native American Rights Fund	Section 106 consultation meeting in Iliamna	Nondalton Tribal Council	Sheila Newman, Katie McCafferty
February 18, 2020	Various	Tribal teleconference	Various	Shane McCoy, Katie McCafferty, Brandee Ketchum
March 31, 2020	Various	Tribal teleconference	Various	Shane McCoy, Katie McCafferty, Kendall Campbell, Brandee Ketchum

Notes:

DEIS = Draft EIS

PLP = Pebble Limited Partnership

SHPO = State Historic Preservation Office

USACE = US Army Corps of Engineers

<sup>1</sup>United Tribes of Bristol Bay (UTBB) represents tribes in an official capacity, though UTBB is not itself a tribe.

During consultations, the USACE provided an opportunity to discuss traditional ecological knowledge (TEK), information on subsistence, archaeological sites, traditional cultural properties, and any potential environmental, social, and/or economic impacts of concern to the tribes. See Section 3.1, Introduction to Affected Environment, and Appendix K3.1 for more information on how TEK was collected and incorporated into the EIS.

### **6.2.1 National Historic Preservation Act, Section 106**

In August 2018, the USACE initiated the process for compliance with Section 106 of the National Historic Preservation Act (Section 106). In addition to consulting with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation, the USACE is consulting with other parties to inform the Section 106 process. Invitations to participate as consulting parties were sent to 38 federally recognized tribes, 34 ANCSA village and regional Alaska Native corporations (considered Indian Tribes for the purposes of Section 106), local governments, and other interested organizations and individuals. An initial meeting was held with the SHPO on October 2, 2018. An initial meeting with consulting parties was held on October 30, 2018, followed by another meeting on December 11, 2018; regularly recurring meetings were held through the release of this FEIS. The process will result in the development of a Programmatic Agreement (PA) for the project. A draft PA is included as Appendix L for public review. More information on the PA process can be found in Section 3.7 and Section 4.7, Cultural Resources.

## **6.3 SCOPING AND PUBLIC OUTREACH**

Scoping is the first opportunity for public participation and is conducted to assist in determining the breadth of analysis, significant issues, and alternatives to be analyzed in depth in the Draft EIS (DEIS). NEPA requires “scoping,” which is described in 40 Code of Federal Regulations (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...” The scoping process provides an opportunity for the public to express their views and concerns and to contribute to the completeness of the scope of analysis of the EIS. The scoping period began on April 1, 2018 and continued through June 29, 2018.

The scoping effort for the Pebble Project EIS began with a Notice of Intent (NOI) to develop an EIS level of analysis, which was published in the Federal Register on March 28, 2018. Subsequently, a press release was issued by the USACE, a scoping package was mailed to the 35 federally recognized tribes potentially impacted by the project, a newsletter was mailed to every post office box in potentially affected communities, the project website was developed, and nine public scoping meetings were held, detailed in Table 6-2.

**Table 6-2: Scoping Meetings**

Date	Community	Location and Time
April 9, 2018	Naknek	Naknek School, 3:30–7:30 PM
April 10, 2018	Kokhanok	Community Hall, 3:30–7:30 PM
April 11, 2018	Homer	Homer High School, 5:00–9:00 PM
April 12, 2018	Newhalen	Newhalen School, 3:30–7:30 PM
April 13, 2018	New Stuyahok	Community Building, 1:00–4:30 PM
April 16, 2018	Nondalton	Tribal Center, 3:30–7:30 PM
April 17, 2018	Dillingham	Middle School, 5:00–9:00 PM
April 18, 2018	Igiugig	Community Building, 3:30–7:30 PM
April 19, 2018	Anchorage	Dena'ina Center, 11:00 AM–9:00 PM

Participation in the scoping process was widespread, with many hours of questions and testimony recorded in transcripts, along with comments submitted via the project website, email, and mail to the USACE. The complete scoping effort and summary of issues are described in Appendix A.

## 6.4 DRAFT EIS AND PUBLIC OUTREACH

The USACE announced the release of the DEIS through a public notice, published in the Federal Register on March 1, 2019. The USACE sent out Newsletter #2, which was delivered to post office boxes in 21 communities in the region, as well as over 500 stakeholders.

The public was encouraged to review and submit comments on the DEIS during the public comment period, March 1, 2019 through July 1, 2019. The public could submit comments through the public website, mail, email, fax, at a public meeting by submitting written comments in person, testifying in public, or speaking to a court reporter. Public hearings were conducted in the same locations as the scoping meetings (Table 6-3). Comments were published on the project website.

**Table 6-3: Draft EIS Public Hearings**

Date	Community	Location and Time
March 25, 2019	Naknek	Village Council Office, 3:30–7:30 PM
March 26, 2019	Kokhanok	Community Hall, 3:30–7:00 PM
March 27, 2019	Newhalen	Newhalen School, 3:30–7:00 PM
March 28, 2019	Igiugig	Igiugig School, 3:30–7:00 PM
March 29, 2019	New Stuyahok	Community Building, 1:00–5:00 PM
April 8, 2019	Nondalton	Tribal Center, 3:30–7:00 PM
April 9, 2019	Dillingham	Elementary School, 4:00–9:00 PM
April 11, 2019	Homer	Homer High School, 4:30–9:00 PM
April 16, 2019	Anchorage	Dena'ina Center, 12:00 PM–8:00 PM

All comments received were analyzed for potential changes to the DEIS. Public comments on the DEIS help provide information that may have been overlooked and strengthen analyses in the document. All comments received during the comment period were compiled into Statements of Concern and responded to. See Appendix D for the complete Comment Analysis Report.

## 6.5 ONGOING COORDINATION EFFORTS

Coordination with cooperating agencies occurred following the release of the DEIS and through the preparation of the FEIS. Agency expertise was important for informing the analysis and addressing critical comments from the public to develop the FEIS. Consultation with the USFWS and NMFS continued for the ESA (Appendix G and Appendix H) and EFH assessments (Appendix I).

The USACE remains available for government-to-government consultation with federally recognized tribes as resources allow. Government-to-government consultation is an ongoing effort by the USACE to share information, listen to concerns, and answer questions.

Discussion with consulting parties to resolve adverse effects to historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA) will continue through the duration of the PA, which will be executed prior to a Record of Decision on this project. Efforts at identifying potentially eligible historic properties and determining eligibility of potential historic properties will continue after the release of the FEIS and through the project lifespan. A PA is under development through discussions with the consulting parties to ensure that the requirements of Section 106 are satisfied. The Draft PA is included as Appendix L of the FEIS.

The USACE will send Newsletter #3 to announce the release of this FEIS to the same communities and stakeholders as the previous newsletters. A fourth newsletter is planned to announce the Record of Decision.

The project website will continue to be updated throughout the EIS process.